

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO. 675 OF 2017
IN
COMMERCIAL SUIT NO.749 OF 2017**

Hegde Govind Vijaykumar	..Plaintiff
Vs.	
Sangeeta H. G. Vijaykumar & Ors	..Defendants

Ms Ashwin Jain I/b MLS Vani and Company for Plaintiff/Applicant
Mr. Anant B Bode for Defendant No.1

**CORAM : K.R.SHRIRAM, J.
DATE : 23rd APRIL 2019**

P.C.:

1 The claim in the suit is purely a money claim and plaintiff is seeking a sum of Rs.2.25 crores from defendant no.1. Unless plaintiff is able to prove prima facie, that plaintiff is entitled to the amount and/or there is some admission of some liability and also make out a case that defendant no.1 is disposing all the assets to defeat the right of plaintiff, the question of granting any relief does not arise. I do not find any such averment also in the plaint and counsel for plaintiff is also unable to show.

2 In the circumstances, notice of motion dismissed.

3 Mr. Bode for defendant no.1 waives service of writ of summons. Written statement to be filed and copy served on or before 30th June 2019. None appeared for defendant nos.2 and 3 and counsel for plaintiff is also unable to answer whether writ of summons has been applied for or served.

Therefore, if writ of summons has not been applied for, plaintiff shall apply for issuance of writ of summons during the course of this week. Plaintiff shall thereafter take steps to serve the writ of summons by hand delivery on defendant nos.2 and 3 in addition to the usual mode of service. If writ of summons has been issued but has not been served, then returnable date be extended.

4 Suit be listed for directions on 7th June 2019.

(K.R. SHRIRAM, J.)