

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**COMMERCIAL NOTICE OF MOTION NO.61 OF 2015
IN
COMMERCIAL IP SUIT NO.239 OF 2015**

Maganlal Savani and Anr.Applicants/Plaintiffs

Vs.

M/s. Eros Multimedia India Ltd.Defendant

Ms Seema Sadashiv Hunnurkar for applicants/plaintiffs.

Mr. Akshay Patil i/b. R.M. Azim for defendant.

CORAM : K.R.SHRIRAM, J.

DATE : 04.06.2019

P.C.:

1 Ms. Hunnurkar, counsel for plaintiffs states that plaintiff no.1 has expired. Mr. Patil, counsel for defendant states that in that case plaintiff no.1 should be deleted. Ms. Hunnurkar prays that leave be granted to delete plaintiff no.1.

2 Leave granted. Amendment to be carried out and copy of the amended cause title to be served upon defendant within two weeks from today.

3 In the order of 1st July 2015 this Court has recorded that plaintiffs were not pressing for any ad-interim reliefs. It is almost four years since then and no case is made out as to why the relief that was not found necessary then is necessary today. Pleadings in the suit are also completed.

4 Therefore, notice of motion stands dismissed.

5 On or before 21st June 2019 parties shall file their respective affidavit of documents and serve a copy thereof upon the other side, failing which parties will not be permitted to rely on any document, copy whereof is not annexed to the plaint and/or written statement and mentioned in the list of documents annexed to the plaint and/or written statement. This will not, however, prevent a party from confronting a witness of another party with any document.

6 By 29th June 2019 inspection to be completed. If inspection is not given, such party will not be permitted to rely on such document. By 6th July 2019 statement of admission and denial with reasons for denial to be exchanged. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side.

7 Suit be listed for issues on 10th July 2019 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree. On the next date, if parties do not come with draft issues, they are put to notice that parties will be put to terms.

(K.R. SHRIRAM, J.)