

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

**COMMERCIAL NOTICE OF MOTION (L) NO.1693 OF 2019
IN
COMMERCIAL IP SUIT (L) NO.777 OF 2019**

Novex Communication Pvt. Ltd.

....Applicant/Plaintiff

Vs.

Deep Distilleries and Breweries
Pvt. Ltd. And Anr.

....Defendants

Mr. Venkatesh Dhond, senior advocate a/w. Mr. Rashmin Khandekar, Mr. Shabbir Jariwala and Mr. Kunal Parekh I/b. Dua Associates AOR for applicant/plaintiff.

Mr. Sameer Pandit a/w. Mr. Pranay Kamdar I/b. Wadia Ghandy and Company for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 23rd JULY 2019

P.C.:

1 At the outset, Mr. Pandit undertakes to file Vakalatnama on behalf of defendants within one week from today. Undertaking accepted.

2 Mr. Pandit, counsel for defendants states that defendants have not infringed any alleged rights of plaintiff and they have no intentions also. Infact Mr. Pandit challenges the averments in the plaint to the extent plaintiff has any right as alleged. At the same time, Mr. Pandit states, without prejudice to defendants' rights and contentions including on the maintainability of this action, if plaintiff gives a list of their so called right and a list of those songs, defendants will make that list available to any

person who would be booking the banquet hall of defendants and advice them to either take permission from plaintiff or not to play those songs.

3 In view of this statement made, Mr. Dhond is not pressing for the reliefs in the notice of motion.

4 Notice of motion accordingly stands disposed.

5 Mr. Pandit waives service of the writ of summons. Therefore, the time to file written statement starts today. Written statement to be filed and copy served by 13th September 2019.

6 On or before 21st September 2019 parties shall give inspection of documents relied upon by each other. If inspection is not given, such party will not be permitted to rely upon such document. This will not, however, prevent a party from confronting a witness of another party with any document. On or before 27th September 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 30th September 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.

8 Within three weeks from today, plaintiff shall have all office objections removed and get the suit numbered, failing which the suit will stand dismissed without further reference to this Court. Plaintiff shall within three days of getting the suit numbered, inform defendants the number.

(K.R. SHRIRAM, J.)