

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1694 OF 2012
IN
SUIT NO.1543 OF 2012**

Gunnebo Salzgitter GMBH

..Plaintiff

Vs.

Millennium Maritech & Ors

..Defendants

Ms. Shraddha Birwadkar a/w Mr. Avinash Belge and Ms. Priyanka Ribeiro
I/b RKD Legal Services LLP for Plaintiff/Applicant
Mr. Anupam Surve I/b Ashok Singh for Defendants

CORAM : K.R.SHRIRAM, J.

DATE : 4th JULY 2019

P.C.:

1 On 7th August 2012, the court was pleased to grant ad-interim reliefs in terms of prayer clauses (a) to (e), but clarified that prayer clause (b) would be operational upon expiry of 8 weeks. Those 8 weeks have been extended from time to time and still in force.

2 Mr. Surve and Ms Birwadkar, counsel appearing for defendants and plaintiff state that prayer clause (b) could be decided at the final hearing of the suit. Counsel state that though reading of paragraph 6 of the order dated 7th August 2012 would mean that prayer clause (b) has also been granted but has only been stayed, the same being at the ad-interim stage, be kept open to be re-agitated at the final hearing of the suit. Counsel state that prayer clause (b), therefore, be excluded from the order in this notice of motion.

3 In the circumstances, notice of motion is allowed and stands
disposed in terms of prayer clauses (a), (c), (d) and (e).

4 Pleadings in the suit are completed.

5 By 20th July 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 26th July 2019 inspection to be completed. If inspection is
not given, such party will not be permitted to rely on such document. By 1st
August 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 5th August 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.)