

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL CHAMBER SUMMONS NO.904 OF 2018
IN
COMMERCIAL SUIT NO.971 OF 2018**

Go Airlines (India) Ltd. ..Plaintiff
Vs.
Wolfgong Mag Prock – Schauer ..Defendant

Mr. Darius Khambatta, Senior Advocate, a/w Ms Shruti Katakey I/b
Crawford Bayley & Co. for Plaintiffs
Mr. Aditya Aklekar a/w Mr. Pratik Patnaik I/b Samvad Partners for
Defendant

**CORAM : K.R.SHRIRAM, J.
DATE : 7th JANUARY, 2019**

P.C.:

1 This chamber summons has been filed to direct the
prothonotary and senior master to provide inspection of the documents
tendered in sealed envelopes by plaintiff, to this court.

2 On 13th February, 2018, Counsel appearing for plaintiff
tendered confidential information in a sealed cover which according to him,
belongs to plaintiff and is stolen by the defendant who was the Managing
Director and CEO of Plaintiff and has joined their competitor from 1st
February, 2018. On 14th March, 2018, following order came to be passed:

*“The Advocates for the Plaintiff shall offer inspection to the
Defendant and /or its Advocate of all the documents, which are
tendered in Court in a sealed cover. The Defendant and/or his
Advocates shall maintain strict confidentiality qua the said
documents. It is called that copies of the said documents shall not be*

handed over to the Defendant and/or his Advocates. Stand over to 3rd April, 2018.”

3 Defendant has taken out present chamber summons seeking inspection of the same documents which have been tendered in court in a sealed cover. Shri Khambata states that plaintiff has, in compliance with the order dated 14th March, 2018, offered and given inspection to defendant, which has been recorded vide letter dated 21st March, 2018. It is also stated in paragraph 9 of the affidavit in reply filed by one Vishal Mathur, affirmed on 17th December, 2018, that “..... inspection was offered to, and taken by, the Defendant's Advocates, of all documents tendered by the Plaintiff in a sealed envelope to this Hon'ble Court, at the time of the filing of the above Suit. That inspection was so taken by them was also confirmed by the Defendant's Advocates in letter dated 16th March, 2018”

4 Mr. Khambata on instructions confirms that no document has been suppressed and every document which is kept in the sealed envelope has been made available for inspection and defendant has taken full, free and complete inspection.

5 In the circumstances, in my view, nothing survives in chamber summons. Chamber summons dismissed with no order as to costs.

(K.R. SHRIRAM, J.)