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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1649 OF 2013
IN
SUIT NO. 2993 OF 2007
WITH
NOTICE OF MOTION NO. 300 OF 2014

Vission Advertising	...Plaintiff
<i>Versus</i>	
Indage Engineering Pvt Ltd	...Defendant

Ms Neeta Solanki, i/b Kiran Jain & Co., for the Plaintiff.
None for the Defendant/Applicant.

CORAM: G.S. PATEL, J
DATED: 23rd January 2019

PC:-

1. Notice of Motion No. 1649 of 2013 seeks rejection of plaint under Order VII Rule 11 of the Code of Civil Procedure 1908 while Notice of Motion No. 300 of 2014 by the Defendant seeks that a delay of six and a half years in filing the written statement be condoned and the written statement be taken on record.

2. The Applicant is absent. Both Notices of Motion are dismissed. There will be no order as to costs.

3. There being no written statement, the Plaintiff will be entitled to an *ex parte* decree though of course the Defendant will be entitled to cross-examine the Plaintiff's witness on a limited aspect of the matter but without putting up an affirmative case.
4. The Plaintiff will file its Evidence Affidavit, Affidavit of Documents and compilation on or before 22nd February 2019. Copies of these will be served on the Advocates for the Defendant since they are entitled to the limited protection as noted above.
5. List the Suit for directions on 25th March 2019.

(G. S. PATEL, J)