

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

**COMMERCIAL NOTICE OF MOTION NO.28 OF 2014
IN
COMMERCIAL IP SUIT NO.146 OF 2014**

Go Holdings Pvt. Ltd. and Ors.

....Applicants/Plaintiffs

Vs.

Interglobe Aviation Limited (INDIGO) & Anr.

....Defendants

Mr. Amit Jamsandekar a/w. Mr. Akshay Kapadia i/b. Royzz and Company for applicants/plaintiffs.

Mr. Alankar Kirpekar a/w. Mr. Shekhar Bhagat i/b. MAG Legal for defendant no.1.

Mr. C. Keswani i/b. Economic Laws Practice for defendant no.2.

CORAM : K.R.SHRIRAM, J.

DATE : 04.06.2019

P.C.:

1 No ad-interim relief has been granted in this notice of motion which was lodged on or about 5th October 2013. The first time this notice of motion was taken up was on 3rd October 2016. No ad-interim relief was granted. After five years of lodging the notice of motion, I see no reason why the relief as prayed for has to be granted because the situation then and the situation today remains the same, plaintiffs not having filed any further affidavit explaining why after five years of lodging the notice of motion they must still be granted a relief. Moreover, the trial in the suit has effectively began because Mr. Jamsandekar states that plaintiff has also filed their affidavit in lieu of examination in chief.

2 In the circumstances, notice of motion stands dismissed.

3 On 27th June 2017 directions were passed. The counsel state that they have filed their respective affidavits of documents and also given inspection. Mr. Keswani, counsel for defendant no.2 states that they have not been provided copies of certain documents and have addressed a communication to plaintiffs' advocates to provide the same. Mr. Jamsandekar states that if that is the case, they will provide photocopies certified as true copy of all documents within one week from today. If photocopies are not provided within one week, plaintiffs will not be permitted to rely on any of those documents.

4 On or before 21st June 2019 parties shall exchange their statement of admission and denial with reasons for denial. If the statement of admission and denial is not exchanged, parties shall be deemed to have admitted the existence of all the documents of the other side.

5 Evidence affidavit having been filed, on or before 21st June 2019 plaintiffs shall also file their list of witnesses and serve a copy thereof upon defendants. Based on the statement of admission and denial received, should plaintiffs wish to file a further affidavit in lieu of examination in chief to prove the documents denied, they may do so and serve a copy thereof upon defendants on or before 29th June 2019.

6 Stand over to 10th July 2019 for marking of documents/
recording of evidence on which date plaintiffs' first witness shall remain
present in Court.

(K.R. SHRIRAM, J.)