

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO.6 OF 2017
IN
COMMERCIAL IP SUIT NO.290 OF 2016**

Kalpataru Properties Pvt Ltd

..Plaintiff/Applicant

Vs.

Yuga Homes Ltd.

..Defendant

Mr. Shwetank Tripathi I/b Khaitan & Co. for Plaintiff/Applicant

Mr. Vinod Bhagat a/w Ms Laber Shah and Ms Ruchi Agarwal I/b Mr. G. S. Hegde and Mr. V. A. Bhagat for Defendant

CORAM : K.R.SHRIRAM, J.

DATE : 18th JUNE 2019

P.C.:

1 Mr. Bhagat states that the order dated 7th December 2016, be confirmed as order in the notice of motion and the notice of motion could be disposed. Mr. Tripathi for plaintiff also agrees with Mr. Bhagat. Therefore, order dated 7th December 2016 is confirmed as order in the notice of motion.

2 Notice of motion accordingly stands disposed.

3 By 29th June 2019 inspection to be completed. If inspection is not given, such party will not be permitted to rely on such document. By 5th July 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.

4 Suit be listed for issues on 8th July 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.

5 At this stage, Mr. Tripathi for plaintiff states that he will take instructions on the suggestion made by Mr. Bhagat as to whether suit itself can be disposed in view of the undertaking given in the affidavit by defendant, as recorded in the order dated 7th December 2016 and as given in the written statement.

(K.R. SHRIRAM, J.)