

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO.317 OF 2016
IN
COMMERCIAL IP SUIT NO.577 OF 2016**

M/s Worldwide Records Ltd.	..Plaintiff/Applicant
Vs.	
Dhiraj Praamhansh Singh & Ors	..Defendants

Mr. Ashok M. Saraogi for Plaintiff/Applicant
None for Defendant

**CORAM : K.R.SHRIRAM, J.
DATE : 18th JUNE 2019**

P.C.:

1 Mr. Saraogi states that none of defendants have been served with the writ of summons, but there is an order dated 10-1-2017, on which date one advocate Ms Anushka Kerkar had appeared for defendant nos.3 and 4. It does not look like that the said advocate Ms Anushka Kerkar has filed any vakalatnama. Therefore, I cannot exempt plaintiff from serving writ of summons on defendant nos.3 and 4. Mr. Saraogi states that there was a lapse in his office in not serving the writ of summons and requests that last chance to serve the writ of summons be granted.

2 Purely by way of indulgence, time to serve writ of summons is extended. Writ of summons to be served within two weeks by hand delivery together with usual mode of service through office of Sheriff of Mumbai, with the returnable date as 16th August 2019,

3 As regards notice of motion, Mr. Saraogi states that the notice of motion has been served on all the defendants way back in January 2017. Mr. Saraogi undertakes to file affidavit of service within one week. Nobody has filed any affidavit in reply opposing the notice of motion or even entered appearance.

4 Prayer clause (a) in the notice of motion is the final relief prayer clause (c) in the suit. If, I grant prayer clause (a) of the notice of motion, the suit itself will stand decreed in terms of prayer clause (c) of the suit. Therefore, at the interim stage, such a relief cannot be granted.

5 Notice of motion dismissed.

(K.R. SHRIRAM, J.)