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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.327 OF 2017
IN
COMMERCIAL SUIT NO.259 OF 2015**

Jagran Entertainment Media
Pvt. Ltd. ... Applicant

IN THE MATTER BETWEEN

M/s Jagran Prakashan Ltd. ... Plaintiff
V/s.
Jagran Entertainment Media Pvt.
Ltd and others ... Defendants

**ALONGWITH
NOTICE OF MOTION LNO.326 OF 2017
IN
COMMERCIAL SUIT NO.256 OF 2015**

Jagran Infra Projects
Pvt. Ltd. ... Applicant

IN THE MATTER BETWEEN

M/s Jagran Prakashan Ltd. ... Plaintiff
V/s.
Jagran Infra Projects
Pvt. Ltd and others ... Defendants

- Mr. Anand Kumar, for applicant and for original defendants in both Notices of Motion.
- Mr. Nitesh Jain a/w Atul Jain Meherzeen Avassia i/by Shardul Amarchand Mangaldas & Co, for original plaintiff in both matters.

CORAM : B. P. COLABAWALLA, J.

DATE : 21st FEBRUARY, 2020.

P.C. :

- 1] Notice of Motion No.326 of 2017 not board.
- 2] With the consent of the parties, taken on board.
- 3] In both the Notices of Motion, order passed by Prothonotary and Senior Master dated 19th July, 2016 is impugned under which request on behalf of defendant to grant time to file written statement was rejected and the suit against defendant was transferred to the list of undefended suits.
- 4] The learned advocate appearing on behalf of defendant states that due to inaction on the part of the previous advocate of the defendant, written statements in both the above suits could not be filed. He submitted that the defendant undertakes to file written statements in the Registry within a period of two weeks from today and shall serve copies of the same on the advocate for the plaintiff.
- 5] After perusing the record and going through affidavit in

support, I am inclined to allow both the Notices of Motion, subject to payment of costs. In these circumstances, the following order is passed.

ORDER

i] Both the Notices of Motion are allowed subject to defendant paying costs of Rs.50,000/- to Tata Memorial Centre (to be used for research), within a period of two weeks from today. Needless to clarify that if costs are not paid within the aforesaid period or the written statements are not filed within a period of two weeks from today, both the Notices of Motion shall stand dismissed without further reference to this Court.

ii] Both the Notices of Motion are accordingly disposed of.

[B. P. COLABAWALLA, J.]