

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO. 305 OF 2018
IN
COMMERCIAL IP SUIT NO. 71 OF 2018

Manish Shah (HUF) and Anr.Applicants

In The Matter Between

Manish Shah (HUF) and Anr.Plaintiffs

V/s

Achla Sabharwal and Ors.Defendants

Mr. Hetal Thakore i/b Thakore Jariwala Associates and Dua Associates for
 Applicants/Plaintiffs.

None for Defendants.

CORAM : K.R.SHRIRAM, J.
DATED : 17th MARCH 2021.

P.C. :

1. Mr. Thakore states that there are two other Notice of Motions which are pending, one of which is Notice of Motion No.1882 of 2019 in which plaintiff is seeking appointment of handwriting expert to examine certain documents mentioned in prayer clause (a) of the said Notice of Motion. Mr. Thakore states that ad-interim relief was granted in favour of plaintiff on 10/04/2018 only as a stop gap arrangement because defendant nos.1 and 2 were to produce certain documents. This order was continued on 17/04/2018 and on 25/04/2018 ad-interim order was recalled. The matter was directed to be placed for ad-interim hearing on 13/01/2018. No

ad-interim order was passed thereafter and the Notice of Motion is listed today for hearing. According to Mr. Thakore evidence of handwriting expert is required to be called for even to consider whether the relief as sought in the Notice of Motion can be granted or not. As it would require a mini trial for grant of interim relief and in any event, there is no interim injunction for almost three years, Notice of Motion No. 305 of 2018 stands dismissed. We cannot have a mini trial for grant of interim relief.

2. To Notice of Motion No.1882 of 2019, Mr. Thakore states that the same has been served on defendants but no reply has been filed.

3. Mr. Thakore states that if later plaintiff finds after the evidence of handwriting expert evidence is recorded, plaintiff should be entitled to move for interim relief, plaintiff should be given liberty to apply to the court at that stage. The question of granting such liberty would not arise because the evidence of handwriting expert will be called for in the trial of the suit and not earlier.

4. On the next date, plaintiff shall satisfy the court that writ of summons has been served.

5. Notice of Motion No.1882 of 2019 be listed for hearing on 31st March, 2021. Mr. Thakore states that he will inform defendants about the next date.

(K.R. SHRIRAM, J.)