

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 33 OF 2019

IN

COMMERCIAL SUMMARY SUIT NO. 42 OF 2016

WITH

NOTICE OF MOTION NO. 2203 OF 2019

Tata Motors Ltd.

... Plaintiff

vs.

Ghosh Brothers Automobiles

... Defendants

and 4 Ors.

Mr. Abhijeet Marathe for the Plaintiff.

Mr. Prashant Chande a/w. Mr. Jesal Shah i/b. Mr. Daru Shah and co. for
Defendant nos. 1 to 4.

CORAM : A. K. MENON, J.

DATED : 21st JUNE, 2022

P.C. :

1. On behalf of the plaintiff learned counsel states that defendant no. 5 having expired he is awaiting particulars of legal heirs of defendant no. 5, since he has instructions to proceed against the legal heirs. In the meantime he submits that inspection of original documents will be given within a period

of four weeks from today He seeks leave to withdraw the Summons for Judgment with liberty to file a fresh Summons for Judgment. Accordingly, I pass the following order :

- (i) Summons for Judgment is disposed as withdrawn with liberty to file afresh.
- (ii) Mr. Chande undertakes to provide names of legal heirs within one week from today. If that is so provided, inspection shall be offered within two weeks thereafter.
- (iii) Fresh Summons for Judgment shall be filed within four weeks thereafter.
- (iv) If no Summons for Judgment is taken out list the notice of motion on 2nd August, 2022.

(A. K. MENON, J.)