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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9750 OF 2023

Electronica Plastics Machines Ltd.

.. Petitioner

Versus

Talib Hussain

.. Respondent

-
- Ms. Neha Wadekar, Advocate for Petitioner.
 - Ms. Rashmie Dhongde, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2024.

P.C.:

1. Heard Ms. Wadekar, learned Advocate for Petitioner and Ms.Dhongde, learned Advocate for Respondent through VC.

2. Perused the orders dated 02.04.2024 and 16.04.2024. I have also perused the Suit plaint which is at Exhibit “A” - page No.18 of the Writ Petition. The Suit is filed for seeking permanent injunction against the Defendant in respect of Company’s valuable information which is stated in prayer clause ‘a’ of the Suit plaint. Admittedly Defendant was working with the Plaintiff – Company in a responsible position and was privy to such information. Though the controversy before me has arisen on account of non-compliance of the order of issuance of the Suit summons and passing of the subsequent order of “no Written Statement” by the Trial Court below Exhibit “28” without there being any such order of “no Written Statement” which has been

noted by me in my previous order, it is time that the Regular Civil Suit is now proceeded with in view of the reliefs prayed for by the Plaintiff – Company. Any further delay will undoubtedly be to the detriment of the Plaintiff – Company and the cause of action pleaded in the Plaint.

3. In that view of the matter, I have impressed upon the learned Advocate for Petitioner as also Respondent who are Plaintiff and Defendant in the Suit proceedings that since the Written Statement has now been filed by the Defendant, both the parties should proceed with the hearing of the Suit proceedings and take it to its logical conclusion.

4. Though Ms. Wadekar, learned Advocate for the Petitioner would submit that this Court should consider awarding costs for substantial delay of more than 3 and ½ years caused by the Defendant, the said submission is countered by Ms. Dhongde, learned Advocate for the Defendant – Respondent by stating that until 28.02.2022, the Defendant would be entitled to the benefit of arresting the period of limitation under extant order of the Supreme Court in Suo Moto Petition No.3 of 2020 due to covid-19 pandemic and in that view of the matter, the actual delay would be much less, rather negligible. I am inclined to accept the submission made on behalf of the Defendant. In that view of the matter, learned Trial Court is directed by this Court to determine and decide Regular Civil Suit No.141 of 2020 as

expeditiously as possible and in any event within a period of six months from today.

5. Needless to state that the order impugned in the present Writ Petition passed below Exhibit “28” is quashed and set aside.

6. Written Statement of Defendant has been already taken on record and marked as Exhibit “38”. I am informed that the next date before the learned Trial Court is on 22.07.2024. In view of the above order, parties are directed to appear before the learned Trial Court on 10.06.2024 alongwith draft issues and a server copy of this order.

7. Learned Trial Court shall consider this order and accordingly place the Suit for framing of issues at the earliest and ensure disposal and decision of the Suit proceedings as directed by this Court. All contentions of both parties are kept open. Suit shall be decided on its own merits without being influenced by any observations made in this order.

8. With the above directions, Writ Petition stands disposed.

[MILIND N. JADHAV, J.]

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Date: 2024.05.07
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