

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

SUMMONS FOR JUDGMENT NO.5 OF 2024
IN
COMMERCIAL SUMMARY SUIT NO.19 OF 2023

GREEN SQUARE)...PLAINTIFF

V/s.

RED BRICKS PVT. LTD. AND ANR.)...DEFENDANTS

WITH
COMMERCIAL SUMMARY SUIT NO.19 OF 2023
WITH
INTERIM APPLICATION (L) NO.36105 OF 2023
IN
COMMERCIAL SUMMARY SUIT NO.19 OF 2023

Mr.Vishwajeet Kapse a/w. Mr.Sameer Bhalekar, Advocate for the
Plaintiff.

Ms.Vijaya Ingule a/w. Mr.Viren Vashi and Mr.Rupesh Mandhare,
Ms.Ashna Shah, Advocate for the Defendants.

CORAM : ABHAY AHUJA, J.

DATE : 19th JANUARY 2024

P.C. :

1. Pursuant to earlier orders of this Court, the matter has been listed today. Mr.Kapse, learned Counsel for the Plaintiff, seeks to consider the application of Order XIII-A of the Code of Civil Procedure, 1908 (CPC) to the facts of this case in relation to Section 12A of the

Commercial Courts Act, 2015 and requests that some more time be granted to consider the position of his client in the light of the decision of the Hon'ble Supreme Court in the case of ***Patil Automation Private Limited and Others vs. Rakheja Engineers Private Limited***¹.

2. Ms.Ingule, learned Counsel for the Defendants/Interim Applicants, would submit that this Court consider the Application filed by the Defendants and reject the plaint under Order VII Rule 11 of the CPC.

3. Be that as it may, for Mr.Kapse to take instructions, list on **24th January 2024**.

(ABHAY AHUJA, J.)

1 (2022) 10 Supreme Court Cases 1