

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

COMMERCIAL SUMMARY SUIT NO. 127 OF 2015

M/S. SAGAR ARTS PVT. LTD.)...PLAINTIFF

V/s.

M/S. PRAGYA VISION PVT. LTD. AND OTHERS)...DEFENDANTS

WITH
INTERIM APPLICATION NO. 5121 OF 2025
IN
COMMERCIAL SUMMARY SUIT NO. 127 OF 2015
WITH
INTERIM APPLICATION NO. 5885 OF 2025
IN
COMMERCIAL SUMMARY SUIT NO. 127 OF 2015
WITH
INTERIM APPLICATION NO. 5880 OF 2025
IN
COMMERCIAL SUMMARY SUIT NO. 127 OF 2015

Mr.Ajit Kocharekar, Advocate for the Plaintiff.

Mr.Manoj Mishra, Advocate for the Defendants no.2 and 3.

CORAM : ABHAY AHUJA, J.

DATE : 8th OCTOBER 2025

P.C. :

1. Mr.Manoj Mishra, learned Counsel, appears for the Defendants no.2 and 3 and submits that although costs as directed by this Court have been paid, however, no Statement of admission and denial has

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been filed, as the Suit is not maintainable and the plaint ought to be rejected under Order VII Rule 11 of the Code of Civil Procedure, 1908 (“CPC”). Mr.Mishra submits that, therefore, this Interim Application under Order VII Rule 11 of the CPC has been taken out in view of paragraph 21 of the Agreement dated 6th April 2010, based on which the Suit had been filed.

2. When it is brought to the notice of the learned Counsel that the order to file Statement of admission and denial ought to have been complied with, learned Counsel seeks one week’s time to file Statement of admission and denial.

3. Let the Statement of admission and denial positively be filed and served within a period of one week.

4. As regards Interim Application No.5121 of 2025, Mr.Ajit Kocharekar, learned Counsel appearing for the Plaintiff submits that in the case of simplicitor recovery, even if there is an arbitration clause in the agreement, a civil Suit can be filed and seeks to file a reply in the matter.

5. Let the reply be filed within a period of two weeks with a copy to the other side. Rejoinder in two weeks thereafter, with a copy to the other side.
6. List on **4th December 2025**.
7. In view of the aforesaid orders, Mr.Mishra appearing for the Defendants no.2 and 3 and for the Applicants in Interim Applications No.5880 of 2025 and No.5885 of 2025, seeks to withdraw the said Interim Applications.
8. The Interim Applications No.5880 of 2025 and No.5885 of 2025 accordingly stand disposed as withdrawn.

(ABHAY AHUJA, J.)