

12.11.2020

Perused the records. He has filed Statement of Truth. Tentatively I convinced about the submission of the Advocate for the Plaintiff with regard to Commercial nature of dispute. Though the Plaintiff has filed I.A.No.1 for granting temporary injunction against Defendant Nos.1, 2, 6&7, he has not mentioned any reasons to dispense with issuance of notice of I.A.No.1 to the said Defendants. Without such reasons, no such temporary injunction can be granted exparte.

Hence, issue suit summons to defendants with notice on I.A.No.1, through the process of Court as well as by Registered Post Acknowledgment Due, on filing of PF, Postal Cover, Acknowledgment. Note be given on the process that defendant are required to file written statement within 30 days from the date of service. Note be also given that 120 days period is mandatory and extension can be granted.

Note be also given on the process that defendants shall file list of documents, photocopies of documents and all the documents in his power, possession, control and custody pertaining to the suit

along with written statement or counter claim, if any including -

(a) the documents referred to and relied on by the defendants in the written statement;

(b) the documents relating to any matter in question in the proceeding in the power, possession, control or custody of the defendants, irrespective of whether the same is in support of or adverse to the defendant's defence.

Further more, the list of documents to be filed with the written statement or counterclaim shall specify whether the documents, in the power, possession, control or custody of the defendants, are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document being produced by the defendants, mode of execution, issuance or receipt and line of custody of each document. The written statement or counterclaim shall

contain a declaration on oath made by the deponent that all documents in the power, possession, control or custody of the defendants, save and except for those set out in sub-rule (7) (c) (iii) pertaining to the facts and circumstances of the proceedings initiated by the Plaintiff or in the counterclaim, have been disclosed and copies thereof annexed with

the written statement or counter-claim and that the defendants do not have in its power, possession, control or custody, any other documents. The written statement or counter-claim shall set out details of documents in the power, possession, control or custody of the plaintiff, which the defendants wish to rely upon and which have not been disclosed with the plaint, and call upon the plaintiff to produce the same. Accordingly issue suit summons and notice on I.A.No.1 to the defendants through process of Court and by RPAD, returnable by 11.12.2020.

(Typed to my dictation)

LXXXII ACC & SJ,B'LURU.