

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 437 OF 2017
IN
SUIT (L) NO. 126 OF 2017

Siyaram Silk Mills Ltd ...Plaintiffs
Versus
Cosvate Siyaram Textiles Pvt Ltd & Ors ...Defendants

Dr Birendra Saraf, a/w Mr Rashmin Khandekar, Mr Hemant Thadani, Mr Jay Shah, i/b Krishna & Saurastri Associates LLP, for the Plaintiffs.
Mr Sharan Jagtiani, i/b Mr Mahesh Mahadgut, for the Defendants Nos. 1 to 4.

CORAM: G.S. PATEL, J
DATED: 23rd March 2017

PC:-

1. There is an Affidavit in Rejoinder. In the Affidavit in Reply the Defendants have raised a preliminary issue under Section 9A of the Code of Civil Procedure, 1908 as to the jurisdiction of this Court. This is taken in paragraph 6(c) at page 13. A preliminary issue will need to be framed, and it is, thus:

“Whether this Court has the territorial jurisdiction to entertain the suit?”

2. As required by law, the preliminary issue will be considered in due course before the final disposal of the Notice of Motion.

3. In the meantime, I will list the matter for ad-interim reliefs since that is the Plaintiffs' application, on 11th April 2017. All rights and contentions are expressly kept open. Any Affidavit in Sur-Rejoinder is to be filed and served on or before 31st March 2017.

4. Dr Saraf tenders a draft amendment to correct the address of Defendant No. 1. Leave to amend in terms of the draft tendered, taken on record and marked "X" for identification. Amendment to be carried out on or before 27th March 2017 without need of reverification. It is not necessary to serve a copy of the amended plaint on Mr Mahadgut for the Defendants.

(G. S. PATEL, J.)