

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

COMMERCIAL SUMMARY SUIT NO. 61 OF 2012

THE STATE TRADING CORPORATION OF INDIA)
LIMITED)...PLAINTIFF

V/s.

M/S.SPACE MERCANTILE COMPANY PVT. LTD.)
THROUGH OFFICIAL LIQUIDATOR,)
HIGH COURT, BOMBAY)...DEFENDANT

None for the Plaintiff.

None for the Defendant.

CORAM : ABHAY AHUJA, J.

DATE : 2nd JULY 2024

PC. :

1. None for the parties.
2. On 5th December 2023, the following order was passed :

“1. When the matter is called out, Ms. L.M. Jenkins, appears for the Plaintiff and seeks some time to file Vakalatnama in the matter.

2. Let the Vakalatnama be filed within a period of one week.

3. Learned counsel for the Plaintiff submits that infact the issues in the matter have already been framed on 30th January, 2020 and the issue referred to by the learned counsel for the Defendant No.2 in order dated 28th November, 2023 has already been framed. Learned counsel however seeks fresh directions for filing of evidence affidavit etc. which she submits have remained to be complied with.

4. The Plaintiff shall by 16th January, 2024 file, with copies to the learned counsel for the Defendants:

- (i) Evidence affidavit of the Plaintiff's first witness.*
 - (ii) An affidavit of documents.*
 - (iii) A compilation of documents duly indexed and paginated.*
5. *The Defendants shall on or before 6th February, 2024 file, with copies to the learned counsel for the Plaintiff:*
- (i) An affidavit of documents.*
 - (ii) A compilation of documents duly indexed and paginated.*
6. *Discovery and inspection to be completed and statements and admission and denial are to be exchanged by 27th February, 2024.*
7. *After complying with the aforesaid, the matter be listed "For Marking of the Plaintiff's documents" on 5th March, 2024."*

3. Today, when the matter is called out, none appears for the Plaintiff or for the Defendant.

4. It is observed from the file that on four occasions, the matter did not reach due to paucity of time.

5. Accordingly, list on **22nd July 2024 at 4.15 p.m.** on the **Supplementary board**, for marking of documents.

6. It is made clear that, if none appears for the Plaintiff on the next date, this Court will consider dismissing the suit.

(ABHAY AHUJA, J.)