

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

SUIT NO.1105 OF 1995

Amit H. Jhaveri	...	Plaintiff
versus		
Bank of Baroda	...	Defendant

Mr. A.D.Sale, for Plaintiff.
Mr. A.R.Bamne, for Defendant.
Mr. A.H.Jhaveri, Plaintiff present.

CORAM: S.J. KATHAWALLA, J.

DATE: 12th JUNE, 2015

PC.:

1. The above Suit is filed by the Plaintiff for the following reliefs :
 - (a) that it may be declared that cheque No.31068 dated 4th August, 1994 for the sum of Rs.10,00,00,000/- issued by the Plaintiff in favour of the Defendant is illegal, invalid, void and of no effect in law;
 - (b) The Defendant, it servants and agents may be permanently restrained by an order and injunction of this Hon'ble Court (I) from acting upon the said cheque or (ii) doing any act or thing on the basis of or by virtue of the said cheque to the determinant or prejudice of the Plaintiff;

2. The learned Advocates for the parties have informed the Court

that after filing of the above Suit by the Plaintiff against the Defendant Bank, on 22-03-1995 the Defendant Bank had filed proceedings under Section 138 of the Negotiable Instruments Act, 1881, qua the dishonour of the same cheque No.31068 dated 4th August, 1994, in which the Plaintiff has been convicted on 18-01-2011. The Plaintiff has filed an Appeal before the Sessions Court which is admitted and pending for final disposal. In view thereof, the following order is passed by consent of the parties :

(i) All contentions raised by the Plaintiff in the present Suit are kept open to enable the Plaintiff to press the same before the Sessions Court in Appeal No.125 of 2011.

(ii) The Plaintiff has submitted that he has no objection if the Bank sells the shares which have been attached by the CBI and which are in custody of the Bank.

(iii) The Plaintiff therefore, seeks to withdraw the above Suit. The Suit is disposed of as withdrawn. Refund of Court Fees, if any, as per rules.

(S.J.KATHAWALLA, J.)