

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL JURISDICTION

SUIT NO.1445 OFG 2009  
WITH  
NOTICE OF MOTION NO.985 OF 2012

Mandar Roller Flour Mill Pvt. Ltd. .. Plaintiffs  
-Versus-  
Virgoz Oil & Fats Pet. Ltd. & Anr. .. Defendants

Mr. Shekhar Jagtap for plaintiffs  
Ms. N. Sumnani i/b. M/s.Bhatt & Saldanha for defendant No.1

CORAM : K.R.SHRIRAM, J.

DATE : 21<sup>st</sup> September 2015.

P.C.

1] The Counsel for the plaintiffs states that the suit was filed preliminarily for declaration that there is no contract between the plaintiffs and defendant No.1 and for a further declaration that the plaintiffs is not liable to make any payment to defendant No.1. The Counsel states that after the suit was filed, the defendant No.1 commenced arbitration in Singapore.

2] The Counsel for the defendant No.1 states that they have an

award against one Shri Ganesh Oil Industries and not the plaintiff and, therefore, they failed to understand why the suit itself has been filed. The Counsel further states that in view of the award, which is not against the plaintiffs, it is upto the plaintiffs to decide whether to continue to prosecute the suit or withdraw the same.

3] In view of the statement made by the Counsel for defendant No.1, as recorded above, the Counsel for the plaintiffs seeks leave to withdraw the suit. The suit is allowed to be withdrawn with no orders as to costs. Refund of court fees, if any, as per rules.

4] All interim applications namely Notice of Motion No.985 of 2012 and Chamber Summons No.555 of 2012 also stand dismissed in view of withdrawal of the suit.

( K.R.SHRIRAM, J.)

#### CERTIFICATE

Certified to be true and correct copy of the original signed

YBG

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nms985-12

Judgment/ Order.