

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

**NOTICE OF MOTION NO.1148 OF 2013
IN
SUIT NO.3391 OF 2001**

M/s. Omprakash & Co. & Ors.Applicants/ Org. Plaintiffs

IN THE MATTER BETWEEN :

M/s. Omprakash & Co. & Ors.Plaintiffs

V/s.

Juhu Abhishek Apartment
CHS Ltd. & Ors.

....Defendants

Mr. Shridhar Chari i/b. DSK Legal for the plaintiffs.

Mr. Vikas Khanchandani i/b. Mr. Rajesh Gehani for the defendant
no.1.

**CORAM : K.R.SHRIRAM,J
DATE : 15th October, 2015**

P.C.:-

1 The counsel for the applicants/plaintiffs states that the suit came to be dismissed on 26th September, 2011 for want of prosecution because nobody was present for the parties but subsequently the issues covered under the suit have been worked out between the parties. The counsel further states that the plaintiffs have paid a sum of Rs.75,000/- as court fees and if the suit is restored then they would immediately withdraw the suit so that they can apply for refund of court fees.

2 The counsel for the defendants states that he has no information about the settlement but has no objection if the suit is restored.

3 In view of the statement made by the counsel for the plaintiffs that they will withdraw the suit, the notice of motion is allowed in terms of prayer clause (a). The order dismissing the suit is recalled. The suit is restored to file.

4 As requested by the counsel for the plaintiffs, suit is allowed to be withdrawn and so disposed. Refund of court fees in accordance with rules.

(K.R.SHRIRAM,J)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment/Order.**