

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO. 1211 OF 2014
WITH
NOTICE OF MOTION (L) NO. 2836 OF 2014**

Rajesh Ashwin Merchant	...Applicant
<i>In the matter between</i>	
Rajesh Ashwin Merchant	...Plaintiff
<i>Versus</i>	
Sandip Ashwin Merchant & Anr.	...Defendants

Mr. Nishant S. Shashidharan, i/b Tushar Goradia, for the Plaintiff.

**CORAM: G.S. PATEL, J
DATED: 9th February 2015**

PC:-

1. At the request of the learned Advocate for the Plaintiff, suit allowed to be withdrawn with liberty to file a fresh suit on the same cause of action.
2. Court fee paid on the present Suit to be adjusted against the fresh suit that will be filed by the Plaintiff provided that fresh suit is filed on or before 2nd March 2015. If the Plaintiff chooses not to file a fresh suit by that date, he will be entitled to file an application

for refund, in accordance with the Rules, of the Court Fees paid on this suit.

3. In view of withdrawal of the suit, nothing survives in the Notice of Motion and it is disposed of accordingly.

4. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)