

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO. 661 OF 2014

Isthmus Multimedia Associates Private Limited ... Plaintiff

Versus

Citi Financial Consumer Finance India Limited & Ors. ... Defendants

Mr. Yuvraj K. Singh i/b. M/s. Desai and Diwanji for the Plaintiff.

Mr. N. Rajani i/b. M/s. V. Deshpande for the Defendants.

CORAM : S.J. KATHAWALLA, J.
DATED : 23rd FEBRUARY, 2016

P.C.:

1. The above Suit is filed on 10th July, 2014 by the Plaintiff through its Advocates and Solicitors – M/s. Desai and Diwanji.
2. In paragraph 49 of the Plaint, the Plaintiff has stated that ad-valorem Court fees of Rs. 3 Lacs **has been deposited**. In the Verification Clause, the Director of the Plaintiff has stated that what stated in paragraph 49 of the Plaint is true and is stated on information and belief and he believes the same to be true. However, the Plaintiff had not paid any Court fees. Instead an undertaking was given to the Prothonotary and Senior Master on 10th July, 2014 to pay the entire Court fees within a period of two weeks i.e. by 27th July, 2014. Though more than 18 months have elapsed from the date of the said undertaking, the Plaintiff has till date not paid the Court fees. The Plaintiff and their Advocates have till date also not bothered to remove the office objections raised on 18th July, 2014.
3. The above conduct of the Plaintiff and their Advocates M/s. Desai and Diwanji is strongly deprecated. Only since M/s. Desai and Diwanji are willing to

undertake the payment of Court fees of Rs. 3 Lacs on or before 8th March, 2016, the following order is passed :

- i. The undertaking of M/s. Desai & Diwanji that the Court fees of Rs. 3 Lacs shall be paid on or before 8th March, 2016 is accepted.
- ii. The request of the learned Advocate appearing for the Plaintiff to allow withdrawal of the above Suit with liberty to file a fresh Suit is granted subject to payment of Court fees, as undertaken.
- iii. Upon withdrawal of the Suit, the Plaintiff and / or its Advocates shall be at liberty to seek refund of Court fees, which shall be refunded as per the Rules.
- iv. The Suit is accordingly disposed of.
- v. A copy of this order shall be forwarded to the Prothonotary and Senior Master for his perusal and record and to inform the Court whether the undertaking recorded and accepted in Clause (i) of paragraph 3 above is complied with on or before 8th March, 2016.

(S.J.KATHAWALLA, J.)