

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

**LEAVE PETITION NO.202 OF 2016
WITH
NOTICE OF MOTION (L) NO.3150 OF 2015
IN
SUIT (L) NO.1202 OF 2015**

Sushila Kisan GhanekarPlaintiff

V/s.

L.C. Marcus D'mello & Ors.Defendants

Mr. Pradnyat Chabukswar a/w. Ms. Anam Salmani for the plaintiff.
Mr. Sandeep Patil for the defendant no.13 - BMC.

**CORAM : K.R.SHRIRAM,J
DATE : 1st AUGUST, 2016**

P.C.:-

1 The counsel for the plaintiff seeks leave to withdraw the suit on the ground that notice under Section 80 of the Code of Civil Procedure was not given to the defendant nos.9 to 17 and 19, with liberty to file a fresh suit after giving the said notice.

2 The suit is allowed to be withdrawn with the liberty as sought.

3 The registry to permit the plaintiff to use the court fees of Rs.3 lacs which the plaintiff has paid for this suit, in the fresh suit to be instituted by the plaintiff.

4 In view of the above, the plaintiff's request to withdraw the notice of motion bearing lodging no.3150 of 2015 is granted. The notice of motion bearing lodging no.3150 of 2015 is disposed as withdrawn.

5 Leave Petition filed under Clause 12 is also allowed to be withdrawn and accordingly disposed of.

6 All parties to act on a copy of this order duly authenticated by the Associate of this Court.

(K.R.SHRIRAM,J)