

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

SUIT NO.2842 OF 2009

The Board of Trustees of the Port of MumbaiPlaintiffs

V/s.

Poddar Tunes & Pipes Ltd. & Ors.Defendants

Ms.Sneha Pandey i/by Motiwalla & Co. for plaintiffs.

Ms.Aditi Bhat i/by Y.R.Shah for defendant no.1.

Ms.N.Sumnani i/by M/s.Bhatt & Saldanha for defendant no.2.

Ms.Kirti Dabir for defendant no.3.

CORAM : K.R.SHRIRAM,J

DATE : 20.12.2016

P.C.:-

1 The counsel for the plaintiffs seeks leave to withdraw the suit. Suit dismissed as withdrawn. Refund of court fees if any, in accordance with rules.

2 Ms.Sumnani appearing for the defendant no.2 supported by defendant nos.1 & 3 presses for cost. The counsel state that the Resolution for withdrawing the suit was passed by the plaintiffs on 30.5.2016 but despite that the plaintiffs went ahead with the suit including recording of evidence. Ms.Sumnani submits that because of that her clients had to incur cost. Ms.Sumnani is justified, so also the other defendants.

Therefore, the plaintiffs to pay sum of Rs.25,000/- each

as cost to each of the defendants. Application for refund of court fees to be processed only after the registry is satisfied that the cost has been paid.

3 All interim applications stand disposed and all interim orders, if any, also stand vacated.

(K.R.SHRIRAM,J)