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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION******CHAMBER SUMMONS (L) NO.825 OF 2017******IN******SUIT (L) NO.239 OF 2017******WITH******NOTICE OF MOTION (L) NO.1216 OF 2017******WITH******NOTICE OF MOTION (L) NO.833 OF 2017***

Viren Shah & Ors.

..Plaintiffs.

V/s.

The National Sports Club of India & Anr.

..Defendants.

Mr.Haresh Jagtiani, Senior Advocate with Siddesh Bhole, Rishika Harish, Ryan Mendes and Ankit Pandey for the Plaintiffs.

Mr.Aspi Chinoy, Senior Advocate i/b. M/s. Sutapa Saha with for Defendant No.1.

CORAM : S.C.GUPTE, J.***DATED : 6 July, 2017*****P.C.:-**

This Chamber Summons seeks amendment of the plaint.

The suit *inter alia* challenges a show cause notice issued by Defendant No.1 club. At the hearing of the Plaintiff's Notice of Motion taken out earlier, Defendant No.1 offered to withdraw the show cause notice with liberty to issue a fresh notice. A fresh show

cause notice was thereupon issued, which is sought to be challenged by way of the amendment sought to be introduced. After the submissions are heard at some length, considering that the amendments are so extensive and propose a near complete overhaul of the plaint, learned counsel for the Plaintiffs seeks leave to withdraw the present suit with liberty to file a fresh suit on the same cause of action but with the addition of a fresh challenge to the new show cause notice issued by Defendant No.1 on 29 April, 2017. The suit is accordingly dismissed as withdrawn with liberty as prayed. The Plaintiffs however will be at liberty to adjust the court fees paid on this suit, namely, Suit (lodging) No.239 of 2017, while presenting the proposed fresh suit. The Plaintiffs will also be at liberty to apply for ad-interim reliefs based on the fresh notice. All rights and contentions of the parties on merits are kept open.

2. In view of the order passed in the suit, Chamber Summons No.825 of 2017 and Notices of Motion (Lod) Nos.833 of 2017 and 1216 of 2017 do not survive and are disposed of as such.

(S.C.GUPTE, J.)