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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM SUIT NO. 278 OF 2016
WITH
COMM CHAMBER SUMMONS NO. 7 OF 2016
AND
COMM CHAMBER SUMMONS NO. 23 OF 2016
AND
COMM NOTICE OF MOTION NO. 123 OF 2016
AND
COMM NOTICE OF MOTION NO. 125 OF 2016**

ICICI Bank UK PLC

...Plaintiff

Versus

Mihir Mehta & Ors

...Defendants

**Mr Venkatesh Dhond, Senior Advocate, with Vishal Kanade,
Prasad Shenoy & Yuvraj K Singh, i/b Desai & Diwanji, for the
Plaintiff.**

**Mr Z Andhyarujina, with Nirav Shah, Munaf Virjee & Nausher
Kohli, i/b DSK Legal, for Defendants Nos. 1 to 3.**

**Mr Nirman Sharma, with TS Tijoriwala & AV Acharya, i/b
Tijoriwala & Co, for Defendant No. 4.**

**CORAM: G.S. PATEL, J
DATED: 16th March 2017**

PC:-

1. Mr Dhond seeks leave to unconditionally withdraw the Suit. He says this is necessary on account of the Plaintiffs' commitment made to the High Court of Justice, Queens Bench Division in London.

2. Mr Andhyarujina opposes the application and at least to the extent of saying that such leave ought not to be granted without an accompanying order of costs and some words of censure. This is based on his submission that portions of an Affidavit filed by the Plaintiff in the Courts in London as also the plaint before me are, as he puts it, "false". Mr Andhyarujina's plea is echoed by Defendant No. 4. These submissions are disputed by Mr Dhond for the Plaintiffs.

3. I see no need to enter into this controversy. It will suffice to say that when the matter was last before me on 7th and 8th March 2017, I had substantially heard both sides on the question of maintainability and jurisdiction. Those hearings were inconclusive and incomplete, mostly for want of time on those days. That is why they were stood over.

4. The Suit is dismissed as withdrawn. Refund of court fee in accordance with the Rules. No order as to costs.

5. All previous orders stand vacated. All interim applications are infructuous and are disposed of accordingly.

(G. S. PATEL, J.)