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

CHAMBER SUMMONS NO.390 OF 2015
IN
SUIT NO.1341 OF 2012

Etisalat Mauritius Limited & Ors. ...Applicant

IN THE MATTER BETWEEN :

Etisalat Mauritius Limited & Ors. ...Plaintiff
V/s.
Majestic Infracom Pvt. Ltd. & Ors. ...Defendants

Ms.A.A. Mujawar I/b Economic Laws Practice for the Applicant /
Original Plaintiff.

Mr.Chirag Mody with Mr.Rishikesh Soni, Ms.Prachi Garg and
Ms.Saloni Shah I/b DSK Legal for the Defendants.

CORAM : R.D. DHANUKA, J.
DATE : 29TH NOVEMBER, 2018.

P.C. :-

1. Learned counsel appearing for the applicant seeks liberty to withdraw this chamber summons with liberty to file fresh chamber summons depending upon the out come of the appeal arising out of the order of acquittal passed by the Criminal Court against some of the defendants.
2. Mr.Mody, learned counsel appearing for the defendants states that his clients have no objection if the chamber summons is

allowed to be withdrawn. However, no liberty should be granted to the applicant to file a fresh chamber summons depending upon the out come of the appeal arising out of the order of acquittal.

3. It is not in dispute that this chamber summons was filed during the pendency of the criminal proceedings against the defendants for bringing the subsequent events on record. There is also no dispute that in the criminal proceedings, the defendants are acquitted and an appeal against the order of the acquittal is pending before the appropriate Court.

4. In these circumstances, I am inclined to consider the request of the applicant for liberty to withdraw this chamber summons with liberty to file a fresh chamber summons depending upon the out come of the appeal arising out of the order of acquittal. It is made clear that this chamber summons is allowed to be withdrawn with liberty to file a fresh chamber summons which may be filed pursuant to the liberty granted by this Court. All the contentions on merits of this chamber summons as well as the chamber summons, if any, filed in future, are kept open.

5. The chamber summons is dismissed as withdrawn with liberty as prayed.

(R.D. DHANUKA, J.)