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

**COMMERCIAL APPEAL NO. 149 OF 2018
IN
NOTICE OF MOTION NO. 707 OF 2017
WITH
NOTICE OF MOTION (L) NO. 402 OF 2018
IN
SUMMONS FOR JUDGMENT NO. 11 OF 2017
IN
COMMERCIAL SUIT NO. 213 OF 2016**

Dr. K.R. Shetty & Ors.

... Appellants

V/s.

Pack Deal

...Respondent

Mr. Amit Vyas I/v Vertices Partners for the Appellant, Original Defendant Nos. 2 and 3.

Mr. Z.A. Jariwala, I/b Dua Associates for the Respondent No.1, Original Plaintiff.

**CORAM: B.R. GAVAI, &
RIYAZ I. CHAGLA, JJ.
DATE: 21ST NOVEMBER, 2018.**

PC:-

1. Advocates for the Respondent No.1 to the above Appeal being the Plaintiff in the Commercial Suit No. 213 of 2016 states that the above Suit has been settled out of Court and the Plaintiff now has no claim against the Defendants and applies for withdrawal of the above Suit.
2. In view of the above, the above Suit is allowed to be withdrawn and is accordingly dismissed for want of prosecution.
3. Refund of Court Fees.

4. The Prothonotary and Senior Master to act on the minutes of this Order.

5. In view of the disposal of the above Suit, the above Commercial Appeal No. 149 of 2018 does not survive and is accordingly disposed off with no order as to costs.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI,J.)