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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.494 OF 2013

IN

SUIT NO.210 OF 2013

WITH

NOTICE OF MOTION NO.494 OF 2013

IN

SUIT NO.210 OF 2013

Manjeri Mukesh Choksi

...Plaintiff

vs

Kantilal N. Bakhai And 4 Ors.

...Defendants

.....

Mr. Gautam Ankhad, a/w. Mr. Sunny Shah and Ms. Priti Patel, i/b. M/s. Shukla & Associates, for the Plaintiff.

Mr. Jehan Mehta, a/w. Mr. Sameer Singh and Mr. Mihir Mekal, i/b. M/s. ALMT Legal, for the Defendants.

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CORAM : S.C. GUPTE, J.

DATED : 02 FEBRUARY 2018

P.C. :

. After the Notices of Motion are heard at some length, learned Counsel for the Plaintiff seeks leave to withdraw the suit with liberty to file a fresh suit, if his client is so advised. Learned Counsel submits that the Plaintiff's plea in the present suit is not properly formulated, though there is a suggestion of the correct plea in his notice, which is part of the plaint. Learned Counsel for Defendant Nos. 1 to 3 does not accept the Plaintiff's case as suggested even in the notice. Be that as it may, since the suit is sought to be withdrawn with liberty on the ground that the plaint suffers from a technical defect, I am inclined to grant such leave. Defendant Nos. 1

to 3 do not have any serious objection to such leave being granted, provided their pleas are not in any way prejudiced thereby. The suit is accordingly dismissed as withdrawn with liberty as prayed.

2. In view of the dismissal of the suit, the Notices of Motion do not survive and the same are disposed of.

(S.C. GUPTE, J.)