

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

**CHMABER SUMMONS NO.92 OF 2019
IN
SUIT NO.1512 OF 2012
WITH
NOTICE OF MOTION NO.2210 OF 2012
WITH
NOTICE OF MOTION (LODGING) NO.2896 OF 2018
IN
SUIT NO. 1512 OF 2012**

Akhtar Hasan Rizvi ...Applicant

In the matter between
Akhtar Hasan Rizvi ...Plaintiff

Versus
F.E. Dinshaw Trust & Ors. ...Defendants

.....

Mr. Srinivas Bobde with Mr. Mahesh Mishra and Mr. Ajay Bhardwaj for the Applicant/Plaintiff.

Mr. Rohan Kelkar i/b. Mr. Bhupendra Singh for the Respondent Nos.1 to 5.

Mr. Hemant Hariyan, AGP for the Defendant No.6.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 1st APRIL, 2019.

P.C.:-

The learned counsel for the Applicant-Plaintiff seeks leave to withdraw the chamber summons with liberty to file fresh chamber summons.

2. The learned counsel for the Defendant Nos.1 to 6 states that the Defendants have raised plea of non joinder of necessary parties and that by the present chamber summons the Plaintiff had sought to implead the parties beyond the period of limitation. He further states that impleading the parties even after filing of fresh chamber summons would be beyond the period of limitation. These pleas can be raised as and when fresh chamber summons is filed. Hence, leave is granted to withdraw the chamber summons with liberty to file fresh chamber summons.

3. The chamber summons is dismissed as withdrawn.

4. It is made clear that all points and contentions including the plea of limitation are specifically kept open.

5. Stand over to **22/4/2019**.

(SMT. ANUJA PRABHUDESSAI, J.)