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

SUIT NO. 2193 OF 2001

Virendra Pal Verma ... Plaintiff
V/s.
State of Maharashtra & Ors. ... Defendants

Ms. Sheela K. Mistry, for the Plaintiff.
Mr. Kunal Bhange, AGP for the State / Defendant.
Mr. Neeraj Verma Plaintiff No.2 present in Court.

CORAM: R. I. CHAGLA, J.
DATE: 3RD JUNE, 2019

PC:-

1. Heard the learned Counsel for the Plaintiff. She has stated on instruction of Plaintiff No.2 (legal heirs of the Original Plaintiff) that the Plaintiffs are no longer desirous to continue the Suit and accordingly prays for the Suit to be disposed of.
2. By an order dated 23rd April, 2019, the learned Single Judge of this Court had kept this matter today for directions for the Plaintiff to take necessary steps to implead the heirs of the deceased Defendants. The question of whether such a cause of action survives on the death of the sole Plaintiff, or is maintainable against the heirs of individual Defendants had been left open.

3. Since the learned Counsel for the Plaintiff has on instructions submitted that they are not desirous of proceeding with the Suit, the Suit is accordingly dismissed as withdrawn,
4. Refund of Court fees, if any, in accordance with Rules.
5. The Registry will issue the certificate of refund of Court fees within three weeks upon on production of an authenticated copy of this Order. Today's date shall be the date of the claim for refund of Court fees.

(R I. CHAGLA, J.)