

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL SUIT NO. 5 OF 1995**

State Bank of India	...Plaintiff
<i>Versus</i>	
Union of India and Ors	...Defendants

Ms Swati Deshpande, *i/b MDP & Partners, for the Plaintiff.*
Mr Anupam Dighe, *with Kiran Padalkar & Ms Ishita Bajaj, i/b India*
Law Alliance, for Defendants Nos. 3 and 4.
Mr AK Saxena, *for the Income Tax Department, for Defendant No.2.*

CORAM: G.S. PATEL, J
DATED: 1st March 2019

PC:-

1. This commercial suit is presently tagged with Suit No. 1546 of 1988 and Suit No. 2082 of 1988. The present Commercial Suit No. 5 of 1995, between the State Bank of India and the Income Tax Department through the Union of India, will not survive and is infructuous. The reason is that the Income Tax Department has proceeded to auction the ground floor premises of Atlanta Building and has released its attachment on the first floor premises to which the Plaintiff claims entitlement.

2. As a result, Ms Deshpande on behalf of the Plaintiffs seeks leave to withdraw Commercial Suit No. 5 of 1995.
3. The commercial suit is dismissed as withdrawn.
4. Refund of Court fees, if any, in accordance with the Rules.
5. It is clarified that the other suits will continue till final orders.

(G. S. PATEL, J)