

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

NOTICE OF MOTION (L) NO.979 OF 2019

IN

SUIT (L) NO.444 OF 2019

Ravi Goenka)....Applicant/Plaintiff

V/s.

The Bombay Presidency Radio Club Ltd.)
and Ors.)....Defendants

Mr.Rahul Narichania, senior Advocate a/w Ms.Varsha Ramann,
Mr.Archit Jayakar and Ms.Bhavika Deora I/by Jayakar & Partners for
plaintiff/applicant.

Mr.Dinyar Madon, Senior Advocate a/w Ms.A.Wandrewala and
Mr.K.Thadani and S.S.Jain I/by M/s.Crawford Bayley and Co. for
defendants.

CORAM : K.R.SHRIRAM,J

DATE : 15.4.2019

P.C.:-

1. After the matter was heard for some time, it was kept back to enable the Counsel to take instructions. When the Court assembled post lunch, Mr.Madon for defendants on instructions states that his instructions are to withdraw the charge-sheet and to commence fresh inquiry proceedings on the same charges so that plaintiff will also have no grievance that he has not been heard etc. The statement of Mr.Madon is accepted as an undertaking to this Court. Consequently, findings, orders passed etc. by the inquiry officer does not survive.

2. It is clarified that this Court has not made any observation in the subject matter of the suit.

3. Mr.Madon states that in view of the above order the question of EGM of 27.4.2019 does not arise.

4. By consent, Mr.Justice S.J.Vazifdar (Retd.), former Chief Justice of Punjab & Harayana High Court and a former Judge of this Court, is appointed as the inquiry officer. The fees and expenses of the inquiry officer will be paid by defendant no.1.

5. Mr.Narichania for plaintiff states that plaintiff shall not question the jurisdiction of the inquiry officer but all other rights and contentions be kept open including the stand that plaintiff has not indulged in any misconduct as alleged or at all. All rights and contentions of both the parties are kept open.

6. Mr.Narichania seeks leave to withdraw the suit and the Notice of Motion. Both, Suit and Notice of Motion stand dismissed as withdrawn. Refund of court fees in accordance with Rules.

(K.R.SHRIRAM,J)