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

**COMMERCIAL SUIT NO.1330 OF 2018
WITH
INTERIM APPLICATION NO.1 OF 2019
IN
COMMERCIAL SUIT NO.1330 OF 2018**

Bengal Mills Stores Supply
Co. (Bombay) ... Applicant.

V/s.

Oriental Manufacture ... Respondents

Mr. N. V. Bhutekar, for the plaintiff.
Mr. Dakshash Vyas i/by Mr. Mohan Rao, for defendant.

CORAM : N. J. JAMADAR, J.

DATE : 19th November, 2019.

PC. :

- 1] Heard the learned counsel for the parties.
- 2] The learned counsel for the plaintiff seeks permission to withdraw the suit with liberty to file a fresh suit as there is a formal defect in not seeking leave under clause XII of the Letters Patent.
- 3] Permission to withdraw the suit with liberty to file a fresh suit is granted. However, all the contentions are kept open.
- 4] Court fee be refunded as per rules.

5] In view of withdrawal of suit itself, Interim Application No.1 of 2019 and Summons for Judgment do not survive and the same are disposed off accordingly.

[N. J. JAMADAR, J.]