

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
SUIT NO 932 OF 2016**

|                                         |                |
|-----------------------------------------|----------------|
| Emcipi Electronics Private Ltd. & Anr.  | ...Petitioner  |
| <i>Versus</i>                           |                |
| Enclave Hospitality Private Ltd. & Ors. | ...Respondents |

**WITH  
NOTICE OF MOTION NO 2803 OF 2016  
IN  
SUIT NO 932 OF 2016**

|                                                                        |                |
|------------------------------------------------------------------------|----------------|
| Ram Kishan Singh Director of Emcipi Electronics<br>Private Ltd. & Anr. | ...Petitioner  |
| <i>Versus</i>                                                          |                |
| Enclave Hospitality Private Ltd. & Ors.                                | ...Respondents |

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**Mr AM Dar**, *for the Petitioner.*  
**Mr Pradeep Thorat**, *for the Respondent Nos 1 to 3.*  
**Mr Deepu Jojo**, *i/b Wadia Ghandy & Co. for the Respondent Nos 4 to 6.*

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**CORAM: G.S. PATEL, J.**  
**DATED: 4th December 2019**

**PC:-**

1. The suit is listed before me as the regular bench is unavailable. The learned advocate for the plaintiff states on instructions that the Plaintiff does not wish to pursue the suit.
2. The suit is dismissed as withdrawn. There will be no order as to costs.
3. All interim and ad-interim orders, if any, will stand vacated.
4. Refund of the Court fees in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.
5. Mr Thorat for defendants Nos. 1, 2 and 3 points out that while the matter was before the commissioner for recording evidence, the plaintiff had tendered a signed statement stating clearly that he seeks to withdraw the suit itself. For good order, a copy of the statement is taken on record.

**(G. S. PATEL, J)**