

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

SUIT NO.50 OF 2017

WITH

CHAMBER SUMMONS NO.74 OF 2019

CHAMBER SUMMONS NO.75 OF 2019

CHAMBER SUMMONS NO.76 OF 2019

CHAMBER ORDER (L) NO.121 OF 2019

Janak Mathurdas and Ors.)....Plaintiffs

V/s.

Union of India and Ors.)....Defendants

Ms.Gulnar Mistry a/w Mr.Jitendra Jain I/by Yogesh Adhia for plaintiffs.

Mr.B.B.Sharma for defendant nos.1 & 2.

Mr.Nirav Parmar I/by M/s.K.Ashar and Co. for defendant no.3.

Mr.Shailesh Poria I/by Economic Laws Practice for defendant nos.4 & 5.

Mr.Aditya Sikka a/w Ms.Priyanka Mitra I/by Cyril Amarchand mangaldas for defendant no.6.

Mr.Zal Andhyarujina a/w Mr.Nitesh Jain, Ms.Juhi Mathur, Mr.Atul Jain I/by Shardul Amarchand Mangaldas for defendant no.7.

Mr.Rohan Kelkar I/by Dastur Kalambi & Associates for defendant no.8.

CORAM : K.R.SHRIRAM,J

DATE : 6.2.2019

P.C.:-

1. Ms.Mistry for plaintiffs states her instructions are to withdraw the suit unconditionally. Suit dismissed as withdrawn. Refund of court fees in accordance with Rules.

2. All the counsel present today for defendants, except counsel for defendant no.8, in unison state that substantial judicial time has been spent and substantial costs had been incurred by defendants and press for costs. I have seen copy of order dated 16.12.2016 and it appears that not less than 10 senior Advocates have appeared for defendants. There are other dates also when various senior Advocates have appeared for defendants.

3. The suit is today being withdrawn unconditionally without any reason being offered. Therefore, in my view, it will be only appropriate that costs are imposed on plaintiffs. Plaintiffs to pay each of defendants, except defendant no.8 who does not claim any amount, sum of Rs.2,00,000/-. This amount to be paid within six weeks from today. Application for refund of court fees to be processed upon Prothonotary & Senior Master being satisfied that costs as ordered have been paid by plaintiffs.

4. Counsel for defendant nos.4 to 7 state that these amounts be given as donation to any social cause.

5. The amount payable to these 4 defendants works out to Rs.8,00,000/-. Therefore, Rs.2,00,000/- be paid to Tata Memorial Hospital; Rs.2,00,000/- to Mumbai Police Welfare Fund; Rs.2,00,000/- to Free Ophthalmic Hospitals Society, S.B.Account No.011710005364, IFSC Code : BKDN0450117, Dena Bank, Parel, Mumbai-400 012 and

Rs.2,00,000/- to Bombay SPCA- The Bombay Society for the Prevention of Cruelty to Animals, Beneficiary Name : BSPCA INCL.BSDPHA, beneficiary account no.0064002100030631, account type : current, beneficiary bank name : Punjab National Bank, IFSC Code : PUNB0006400, MICR Code :400024021.

Payment to other defendants, except defendant no.8, be paid directly to those defendants.

6. All interim applications stand disposed. All interim orders stand vacated.

All to act on authenticated copy of this order.

(K.R.SHRIRAM,J)