

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

COMMERCIAL SUIT NO. 295 OF 2016

Prajita Developers Pvt.Ltd

...Plaintiff

vs.

Yusuf Khan alias Dilip Kumar & Ors.

...Defendants

Mr.Aurup Dasgupta with Jinal Vani i/b . Jhangiani Narula & Associates for Plaintiff.

CORAM : S.C. GUPTE, J.

DATE : 27 NOVEMBER 2020

PC. :

Learned Counsel for the Plaintiff submits that in view of order dated 30 August 2017 passed by the Supreme Court in Civil Appeal No.11093/2017, the present suit, filed for specific performance of a development agreement, does not survive and cannot be pressed. Learned Counsel, accordingly, seeks leave to withdraw the suit on instructions of his client.

2 The commercial suit is dismissed as withdrawn. No order as to costs. Refund of court fees in accordance with the applicable rules.

3 This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(S.C. GUPTE, J.)