

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 840 OF 2016**

Bhavesht Jayantlal Jain ...Plaintiff
Versus
Real Gem Buildtech Pvt Ltd & Anr ...Defendants

**WITH
NOTICE OF MOTION NO. 2438 OF 2016
IN
SUIT NO. 840 OF 2016**

**WITH
CHAMBER SUMMONS (L) NO. 1042 OF 2019
IN
SUIT NO. 840 OF 2016**

**Mr RM Haridas, with Sameer Mhatre, i/b Ajay Patil, with for the
Plaintiff.**

**Mr Anirban Sen, with Jash Shah, i/b Hariani & Co, for Defendants
Nos. 2, 2A-2G.**

**Ms Sonali Salaskar, for proposed Defendants Nos. 3, 3A and 3B in
CHSL/1042/2019 in S/840/2016 and for proposed Defendants
Nos. 3, 3A and 3B in CHSL**

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**CORAM: G.S. PATEL, J
(Through Video Conferencing)
DATED: 30th July 2021**

PC:-

1. The Advocate for the Plaintiff is absent, after having had the matter listed for withdrawal. I will proceed on the basis of the praecipe.
2. The Application is that the Suit should be permitted to be withdrawn, with liberty to adopt appropriate proceedings before the Maharashtra Real Estate Regulatory Authority.
3. Obviously, all contentions before RERA are kept open and are for RERA to decide. This order cannot possibly be construed as a decision on merits. The Defendants may take all contentions before RERA, including as to the maintainability of any application filed by the Plaintiff before that authority.
4. The Suit is dismissed as withdrawn with liberty as prayed.
5. All interim orders stand vacated.
6. All pending Interim Applications are disposed of as infructuous.
7. Court Fees are to be refunded 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.

8. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production of an ordinary copy of this order.

(G. S. PATEL, J)