

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

**COMMERCIAL SUIT NO.1226 OF 2019**

Niraj Kakad Constructions Pvt. Ltd. & Ors. .. Plaintiff  
v/s.  
Dan Kutir Co-operative Housing  
Society Ltd. .. Defendants

Ms. Vidhi Karia & Ashish Jain i/b. Prerak C. for the plaintiff.

Mr.Zain Mookhi i/b. Manoj Mishra for the defendants.

Mr. Sagar Patil for MCGM.

**CORAM : A. K. MENON, J.**

**DATED : 17<sup>TH</sup> FEBRUARY, 2021.**

**P.C. :**

1. In view of the decree passed today in Suit no.609 of 2017, this suit does not survive. The learned counsel for the plaintiff seeks to withdraw the suit.
2. In view thereof, I pass the following order;
  - (i) Suit is allowed to be withdrawn.
  - (ii) Refund, if any, as per rules.
  - (iii) Interim Application, if any, stands dismissed.

**(A. K. MENON, J.)**