

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

SUIT NO. 156 OF 2019

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Geeta @ Kusum Visanji Dharod @ Shah ...Plaintiff

Vs.

1. Paresh Visanji Dharod @ Shah
& 7 Ors.

...Defendants

**ALONGWITH
INTERIM APPLICATION NO. 787 OF 2021
WITH
INTERIM APPLICATION NO. 607 OF 2021
WITH
NOTICE OF MOTION NO. 412 OF 2019
IN
SUIT NO. 156 OF 2019**

Mr.Rahul Sarda i/b Dipti Nagda for plaintiff.

Mr.Rajmani Varma a/w. Ms. Unnati Bane, Mr. Aditya Marwal i/b
Navdeep Vora and Associates for defendants.

CORAM : N. J. JAMADAR, J.

DATE : 25th NOVEMBER , 2021

P.C.:

1. Heard the learned counsels for the parties.
2. In view of the fact that leave under Clause XII of the Letters Patent has not been obtained, the learned counsel for the plaintiff, on instructions, seeks leave to withdraw the suit with liberty to file a fresh suit on same cause of action.
3. It would be contextually relevant to note that the defendants have taken out an interim application being Interim Application

No. 607 of 2021 for rejection of plaint for want of leave under Clause XII of the Letters Patent.

4. In the aforesaid view of the matter, the suit is permitted to be withdrawn, with liberty to file a fresh suit on the same cause of action after obtaining leave under clause XII of the Letters Patent.

5. In view of the disposal of the suit as withdrawn, interim applications and notice of motion do not survive and accordingly stand disposed of.

6. Refund of Court fees as per Rules.

(N. J. JAMADAR, J.)