

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.99 OF 2021

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M/s. Kering Patil Associates and Anr. ..Applicants
Versus
M/s. Vitoria
Through its Partners ..Respondents

Mr. Vishal Kanade a/w Mr. Mohan B. Jadhav, for the Applicants.
Mr. Drupad Patil i/by Dheeraj Patil, for Respondent Nos.1, 2 & 4.

CORAM : NITIN W. SAMBRE, J.

DATE : 14th JANUARY, 2022

PC.

1. The present revision application by consent can be allowed by quashing the order impugned based on the rider provided in the judgment of *Haldiram Bhujawala and Another Vs. Anand Kumar Deepak Kumar and Another* reported in (2000) 3 SCC 250.

2. As such, the suit preferred by the applicants being Special Civil Suit No.398 of 2012 stood withdrawn as prayed vide Exh.72.

3. Applicants shall be at liberty to file fresh suit after registration of the firm subject to the rider that the suit claimed is within limitation and is not hit by any other provisions of the Limitation Act.

(12) - CRA-99-21.doc.

4. In view of above, the order impugned dated 23rd February, 2021 passed below Exh.72 is quashed and set aside.

5. The revision application stands allowed in the above terms.

[NITIN W. SAMBRE, J.]