

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

**SUIT (L) NO.26670 OF 2021
WITH
INTERIM APPLICATION (L) NO.26674 OF 2021
IN
SUIT (L) NO.26670 OF 2021**

Pantnagar Suyog Co-operative

Housing Society Ltd.

...Applicant/Plaintiff

Versus

Kumar Builders Project Pune Pvt. Ltd. & Anr. ...Defendants

Mr. Yash Momaya a/w Mr. Paras S. Gosar i/by Jayesh R. Vyas for
Applicant/Plaintiff.

Mr. Anoop Suvarna, Secretary of the Plaintiff Society.

Ms. Pooja Kane a/w Mr. Bharat Jain and Ms. Nidhi Jasani i/by I.C.
Legal for Defendant No.2.

CORAM : R. I. CHAGLA, J.

DATED : 22nd AUGUST, 2022.

P.C.

1. The learned counsel for the Applicant/Plaintiff on
instructions seeks leave to withdraw the Suit (L) No.26670 of 2021
with liberty to pursue arbitral proceedings.

2. In view thereof, the Suit (L) No.26670 of 2021 is
disposed of as withdrawn.

3. After the withdrawal of the Suit, the learned counsel for the Applicant/Plaintiff tenders Affidavit-in-rejoinder dated 21st June 2022, which is to be filed in the Interim Application and copy whereof is served on the Defendants. The Affidavit-in-rejoinder is taken on record for completion of the pleadings.

4. In view of the disposal of Suit, Interim Application (L) No.26674 of 2021 does not survive. Hence, it is also disposed of.

5. 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.

(R. I. CHAGLA, J.)