

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM. SUMMARY SUIT NO.1408 OF 2019
WITH
SUMMONS FOR JUDGMENT NO.9 OF 2020
WITH
INTERIM APPLICATION NO.1 OF 2019**

Osaka Synthetics Pvt. Ltd. ... Plaintiff
Versus
Thakkar Realities Pvt. Ltd. and Ors. ... Defendants

Mr. Vishal Kanade i/by Mr. Mohan B. Jadhav, for Plaintiff.

CORAM: N.J.JAMADAR, J.

DATE: 29th AUGUST, 2022

P.C.:

1. Heard the learned Counsel for the Plaintiff.
2. Mr. Kanade, the learned Counsel for the Plaintiff, on instructions, seeks leave to withdraw the Suit with liberty to file a comprehensive Suit on the same cause of action. The learned Counsel for the Plaintiff submits that, in the intervening period, there have been developments which entitles the Plaintiff to reliefs which traverse beyond the purview of Order XXXVII of the Code of Civil Procedure, 1908.
4. In view of the aforesaid submission, the Plaintiff is permitted to withdraw the Suit with liberty to file a fresh suit on the same cause and seek all the reliefs as permissible in law.
5. The Summary Suit is disposed as withdrawn.

6. The Plaintiff is entitled to refund of court fees in accordance with the rules.
7. Summons for Judgment and the Interim Application also stand disposed.

(N.J.JAMADAR, J.)