

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO.2 OF 2021

MANISHA JITENDRA MHATRE

... APPLICANT

Versus

BRIJ SINGAL

... RESPONDENT

WITH
CIVIL APPLICATION NO. 7/2021
AND
APPEAL FROM ORDER NO.4/2021
WITH
CIVIL APPLICATION NO.6/2021

Mr Gaurish A. Agni, with Mr K. Kavlekar, Advocates for the
Applicant/Appellant.

Mr. D. Lawande, with Mr. Jay Mathew, Advocates for the
Respondent.

CORAM:- VALMIKI SA MENEZES, J.

DATED :- 21st December, 2023

P.C.:

1. Civil Revision Application No.2/2021 was filed against an order rejecting the application for return of plaint on the premise that the suit would not lie before a Commercial Court. This contention now does not survive in the revision application, as the parties have subjected themselves to the jurisdiction of the Civil Court and have led evidence before the Civil Court. In fact, defence evidence is to commence.

2. In this view of the matter, Mr Agni, on instructions of the Applicant/Appellant, seeks leave to withdraw both, the Civil Revision Application, as well as the Appeal from Order, which leave is granted. Accordingly, the Civil Revision Application, as well as the Appeal from Order are dismissed, as withdrawn. Needless to state that all contentions of the parties are left open before the Trial Court in which the trial of the Suit is undergoing.

3. In view of the orders passed in the Civil Revision Application, and the Appeal from Order dismissing the same as withdrawn, both the Civil Applications No. 7/2021 and 6/2021 do not survive and the same are also dismissed.

VALMIKI SA MENEZES, J.

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