

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARJUN
VITTHAL
KUDHEKAR

WRIT PETITION NO.480 OF 2023

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ARJUN VITTHAL
KUDHEKAR
Date: 2023.02.13
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Maharashtra Hybrid Seeds
Company Pvt. Ltd.

...Petitioner

V/s.
DB Realty Limited

...Respondent

Mr. Aditya Mehta i/b Abhishek Prabhu, for the
Petitioner.

Mr. Girish Godbole a/w Rutuja Patil, for the Respondent.

CORAM : MADHAV J. JAMDAR, J.
DATE : 10th FEBRUARY, 2023

P.C.:

1. Mr. Godbole, learned counsel appearing for the Respondent states that, in addition to the cost which has been granted by the learned Judge, Small Causes Court at Mumbai of Rs.10,000/- by order dated 29th November, 2022 passed below Exh.45 in T. E. Suit No.234 of 2013, additional cost of Rs.1,00,000/- will be paid to the Petitioner within a period of two weeks from today. This additional cost is justified as by the impugned order dated 18th September, 2019, 18th March, 2021 and 24th March, 2021 were set aside, by which, no cross order was passed. It is also to be noted

that, the learned Judge in the impugned has recorded that, Plaintiff has not been diligent in proceeding with the matter, however, the impugned order was passed in the interest of justice.

2. In view of the above statement of Mr. Godbole, learned counsel appearing for the Respondent, Mr. Aditya Mehta, learned counsel appearing for the Petitioner states that, he has instructions to withdraw the Writ Petition.

3. Accordingly, the Writ Petition is allowed to be withdrawn and disposed of subject to above.

(MADHAV J. JAMDAR, J.)