

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7243 OF 2023

Aumm Innovations LLP

... Petitioner

V/s.

Chooyal Private Limited

... Respondent

SHABNOOR
AYUB
PATHAN

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Date: 2023.10.04
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Mr. Vikram Nakani a/w Ms. Ragini Singh and Ms. Priya Rai and Mr. Mihir Rathod i/by Ragini Singh and Associates, for petitioner.

Mr. Ketan Parekh i/by K R Parekh and Co., for respondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 3, 2023

P.C.:

1. Learned Advocate for the respondent (plaintiff) seeks permission to withdraw the Commercial Suit No.1292 of 2021 as there is formal defect in the suit. Not following procedure under Section 12A of the Commercial Courts Act, 2015 being formal defect, the plaintiff is entitled to withdraw the suit with liberty to file fresh suit after exhausting remedy under 12A of the Commercial Courts Act, 2015.
2. The plaintiff is entitled to refund of court fees as per rule.
3. The writ petition stands disposed of.

4. Since, the suit stands withdrawn, all the orders passed in the suit will have no effect.

(AMIT BORKAR, J.)