

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

COMMERCIAL SUIT NO. 95 OF 2016

Shree Jaya Building Premises
Co-operative Society Ltd.

... Plaintiff

Versus

M/s. Universal Builders and Developers
& Ors.

... Defendants

**WITH
INTERIM APPLICATION (L) NO. 23166 OF 2022
WITH
INTERIM APPLICATION (L) NO. 7027 OF 2020
WITH
NOTICE OF MOTION NO. 42 OF 2016
WITH
NOTICE OF MOTION (L) NO. 2308 OF 2018
IN
COMMERCIAL SUIT NO. 95 OF 2016**

Ms. Minal Chandnani a/w. Zaheb Merchant for Plaintiff.
Mr. Dhalaram R. Bishnoi, Secretary of Plaintiff is present.
Mr. Chetan Kapadia (Counsel) a/w. Mr. Chirag Sarawagi a/w. Mr.
Yash Dhakad a/w. Ms. Paluck Bengali i/b Mr. Tushar Goradia, for
Respond Nos. 1 to 3.
Mr. Prashant A. Shinde, i/b. A. B. Shinde & Co. for Respond No. 3
(Bank of Baroda)
Adv. Sayali Apte, Shreya Shah i/b. P. G. Lad for the Respondent
No. 4 (Mhada).
Ms. Sheetal Metkari, a/w. Sunil Sonwane for Respond No. 5 BMC.
Mr. Himanshu V. Kode, a/w. Janhavi Karnik for Respond No. 6.

CORAM : R.I. CHAGLA, J.
DATED : 11th JANUARY, 2023.

ORDER :

1 The learned Counsel appearing for the Plaintiff on instructions of the Secretary of the Plaintiff-Society viz. Dolaram D. Krishna, has sought leave to withdraw the Commercial Suit No.95 of 2016 in view of the resolution approved by the members of the Plaintiff-Society resolving to withdraw the Suit and all other proceedings filed by the Society builder and Developers and others. The explanatory statement has been given in the resolution passed on 11.12.2022. The copy of the resolution has been tendered and marked 'X' for identification.

2 Accordingly, leave is granted. Commercial Suit No.95 of 2016 is disposed of as withdrawn.

3 Interim Applications and Notice of Motions filed therein do not survive and are disposed of accordingly.

4 Any ad-interim/interim order passed therein shall not operate on account of withdrawal of Commercial Suit.

5 The learned Advocate who were represents the

Plaintiff undertakes to file Vakalatnama in the course of the week. The undertaking is accepted by this Court.

6 In view of the Commercial Suit having been disposed of as withdrawn, the Court Receiver is discharged without drawing up of accounts and upon costs and charges being borne by the Plaintiff.

7 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.)