

K.S. Jadhav

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

COMMERCIAL SUIT NO.80 OF 2021

WITH

INTERIM APPLICATION NO.2550 OF 2022

WITH

INTERIM APPLICATION NO.2551 OF 2022

SGS India Pvt. Ltd.

... Plaintiff

Versus

**Dilip Ramakrishna
(Sole proprietor of M/s Prefect Hydraulics)**

...Defendant

Mr. Kunal Vaishnav i/b N.N. Vaishnawa & Co., Advocate for Plaintiff.

CORAM : R.I. CHAGLA J

DATE : 5TH JANUARY, 2023.

ORDER :

1. The learned Counsel appearing for the Plaintiff seeks leave to withdraw Commercial Suit No.80/2021 on the ground that this Court does not have jurisdiction in view of the objection taken by the Defendant with liberty to file a fresh Suit before the appropriate Court.

2. In view thereof, Commercial Suit No.80 of 2021 is disposed of

as withdrawn with liberty as prayed.

3. Interim Application Nos.2550 of 2022 & No.2551 of 2022 do not survive and are accordingly disposed of.

4. The refund of Court fees in accordance with the Rules.

5. In view of the suit having been disposed as withdrawn on the ground of concession by the Plaintiff that the Commercial Suit has been erroneously filed in this Court which has no jurisdiction and is to be filed before the appropriate Court, the contention on behalf of the Plaintiffs that they are entitled to the benefit under Section 14 of the Limitation Act, 1963 shall be taken before the appropriate Court.

[R.I. CHAGLA J.]