

Kavita S. J.

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

EXECUTION APPLICATION NO. 46 OF 2022

The Board of Trustees of the Port of Bombay ...Plaintiff

Versus

M/s Vibhuti Exports & Anr., ...Defendants

AND

NOTICE (L) NO.35785 OF 2022

AND

INTERIM APPLICATION NO.3204 OF 2021

IN

EXECUTION APPLICATION NO.46 OF 2022

Ms. Shweta P. Jalgaonkar a/w Siddhi More i/b M.V. Kini & Co.,
Advocate for Plaintiff.

CORAM : R.I. CHAGLA, J.

DATE : 4TH JANUARY, 2024.

ORDER :

1. The learned Advocate appearing for the Plaintiff has sought leave to withdraw Execution Application No.46 of 2022 vide Application for Withdrawal dated 3rd January, 2024. It is mentioned in the Application for Withdrawal that despite

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several attempts made to trace the present whereabouts of the Defendants, the Defendants have not been traceable and accordingly, the Plaintiffs seek to withdraw the present Execution Application with liberty to file fresh Execution Application, whenever the whereabouts of the Defendants are known to the Plaintiffs. The Application for Withdrawal dated 3rd January, 2024 is taken on record.

2. In view of the reasons mentioned in the Application for Withdrawal of the Execution Application, leave is granted.

3. The Execution Application is disposed of as withdrawn with liberty as prayed.

4. The Notice (L) No.35785 of 2022 and Interim Application No.3204 of 2021 do not survive and are accordingly disposed of.

5. The Application for Withdrawal is also disposed of in the above terms.

[R.I. CHAGLA, J.]