

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

INTERIM APPLICATION NO. 3376 OF 2025
IN
SUIT NO. 156 OF 2019

Geeta @ Kusum Visanji Dharod @ Shah ...Applicant

In the matter between

Geeta @ Kusum Visanji Dharod @ Shah ...Plaintiff

Versus

Paresh Visanji Dharod @ Shah and ors. ...Defendants

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Mr. S. J. Chaurasia, i/b A. K. Kharwar, for the Applicant –
Plaintiff.

CORAM: N. J. JAMADAR, J.

DATED: 30th JULY, 2025

PC:-

1. Heard the learned Counsel for the applicant.
2. This application is preferred seeking modification of the order date 25th November, 2021.
3. By the said order the applicant – plaintiff had sought leave to withdraw the suit with liberty to file a fresh suit on the same cause of action after obtaining leave under Clause XII of the Letters Patent.
4. The refund of court-fees as per Rules was also directed.
5. It transpired that in view of the resolution of the dispute between the parties, the plaintiff has not filed a fresh suit on the

same cause of action and consequently the application of the plaintiff for refund of the court-fees came to be rejected.

6. The learned Counsel for the applicant – plaintiff now submits that the plaintiff is not required to file a fresh suit as the dispute between the parties has been resolved.

7. The learned Counsel for the plaintiff seeks leave to withdraw the suit unconditionally.

8. In view of the aforesaid submissions and the developments in the intervening period, paragraph 4 of the order dated 25th November, 2021 stands substituted as under:

“The plaintiff is permitted to withdraw the suit unconditionally.”

9. Rest of the order remains unaltered.

10. The Registry may now process the claim for refund of court-fees on the premise that the suit stands withdrawn unconditionally.

11. The application stands disposed.

[N. J. JAMADAR, J.]