

Amberkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**INTERIM APPLICATION NO. 8046 OF 2025
WITH
COMMERCIAL SUIT NO. 75 OF 2025**

Rakesh Mansukhlal Shah .. Applicant

IN THE MATTER BETWEEN:

Dilipkumar Shah .. Plaintiff

Versus

Devharsh Infotech & Ors. .. Defendants

.....

- Mr. Rohan Agrawal a/w Mr. Chirag Gupta i/by M/s. Vis. Legis Law Practice, Advocates for Plaintiff
- Ms. Sayali Diwadkar a/w Mr. Samit Sheetla & Ms. Delnavaz Patel i/by M/s. Trilegal, Advocates for Defendant Nos. 1, 2, 6 & 7

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 13, 2026

P. C.:

1. Heard learned Advocates appearing for the parties.
2. Parties have prayed for withdrawal of the present Suit as they have referred the matter for mediation which is qualified form the Minutes of Order which is placed on record by filing Minutes of Order dated 13.02.2026. They are signed by Advocate for Plaintiff, Advocate for Defendant Nos. 3 & 4 and Advocate for Defendant Nos. 1, 2, 6 & 7. Minutes of Order is taken on record and marked "X" for identification. Same is scanned and reproduced below for convenience and reference:-

CORAM : MILIND N JADHAV, J.
Date : 13-2-2025

(1)

Marked as 'x' (Adp)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL SUIT NO. 75 OF 2025

Dilipkumar Shah

....Plaintiff

Versus

Devharsh Infotech Private Limited and Ors.

....Defendants

MINUTES OF ORDER

1. The Advocate for the Plaintiff seeks leave to withdraw the Commercial Suit no.75 of 2025 with a liberty to file fresh Suit in respect of the same cause of action and reliefs forming subject matter of the captioned Commercial Suit, after exhausting the remedy of pre-institution mediation as stipulated under Section 12-A of the Commercial Courts Act 2015.
2. The commercial suit is permitted to be withdrawn and is disposed of as withdrawn with liberty as prayed for.
3. Time spent in prosecuting Commercial Suit No. 75 of 2025 and time spent in mediation shall be excluded for the purposes of limitation as per Section 14 of the Limitation Act, 1963.
4. By consent of the Parties, Shri Nitin Thakkar, Senior Advocate is appointed as a mediator to mediate the dispute between the Parties. Both Parties, by consent state that such mediation shall be treated as pre-institution mediation under Section 12-A of the Commercial Courts Act, 2015.

②

5. Refund of court fees as per rules.
6. Accordingly, the captioned Commercial Suit is disposed of as withdrawn.

Chitrag
Adv for Plaintiff

Sthule
Adv. for the Dett.
No. 3&4

Siwadkar
Advocate for Defendant Nos. 1, 2, 6 & 7

3. In that view of the matter, Commercial Suit is disposed as withdrawn. Pending Interim Application is also disposed.
4. Refund of Court fees as per rules.

Amberkar

[MILIND N. JADHAV, J.]

Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
Date:
2026.02.13
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+0530