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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010395412026

+ CM(M) 1856/2026, CM APPL. 53899/2026, CM APPL. 53900/2026
& CM APPL. 53901/2026

BAL BHUSHAN SAXENA

.....Petitioner

Through: Mr. Rachit Gupta, Adv. (through VC)

versus

PROF RAM KISHAN DAS CHARITABLE TRUST Respondent
Through:

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER
25.08.2026

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1. Through the present petition, the petitioner seeks the following reliefs:

"A. Call for the trial court record of CS DJ No. 477/2024; titled as "Prof Ram Kishan Das Charitable Trust vs Bharat Bhushan & Anr." which was decided by Sh. Chander Mohan; DJ - 14 LAC I Central I THC I Delhi on 26/ 11 /2025;

B. Set aside order dated 10/04/2026 and 26/11/2025 passed by Sh. Chander Mohan~ DJ - 14 LAC I Central I THC I Delhi, in CS DJ No. 477/2024; titled as Prof Ram Kishan Das Charitable Trust vs Bharat Bhushan & Anr." by withdrawing the liberty of respondent I Plaintiff to file fresh suit;

C. Realistic costs may be awarded in favor of the revisionist I Defendant as sought in application U/o 20 A C.P.C. jointly and severally against Anil Saxena, Rajan Babu Saxena, Sanjay Saxena and Rajender Saxena;

D. pass any other or such order(s) as deem fit and proper in the facts and circumstances of the case."



2. Mr. Rachit Gupta, learned counsel for the petitioner submits that the learned Trial Court *vide* order dated 26.11.2025 has permitted the respondent to withdraw the underlying suit with liberty to institute a fresh suit subject to payment of cost, and that the said order is improper and has caused serious prejudice to the petitioner who has spent time contesting the suit.

3. Para 10 of the order dated 26.11.2025 is reproduced hereunder:

“10. In view of the above reasons, present application under Section XXIII CPC is allowed and present suit is disposed of as withdrawn with liberty to file the same afresh subject to the cost of Rs. 25,000/- (Rupees Twenty Five Thousand Only) to be paid by the plaintiff to the defendants.”

4. Heard. Perused the record.

5. This Court is of the view that the condition imposed in para 10 of the impugned order dated 26.11.2025 warrants modification as the petitioner has already suffered a lot on account of facing litigation for a considerable period of time.

6. Accordingly, para 10 of the impugned order dated 26.11.2025 is modified to the extent that the cost of Rs. 25,000/- shall be paid by the respondent to the petitioner within a period of four weeks from today, irrespective of whether a fresh suit is instituted or not.

7. This Court keeps the objections, which can be raised at the relevant time by the petitioner, open to be canvassed before the concerned Court.

8. The petition, along with pending applications, stands disposed of.

AJAY DIGPAUL, J

AUGUST 25, 2026/AS/as