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

+ CS(OS) 529/2013 & IA No.9178/2014

AVINASH SHARMA

..... Plaintiff

Through : Mr. Deepak Bashta, Advocate

versus

KIRAN SHARMA & ORS

..... Defendants

Through : Mr. Urvi Kuthiala Malik, Advocate
for DDA.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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21.04.2015

1. The plaintiff has instituted the present suit against the defendants praying *inter alia* for a decree of declaration, declaring the mutation carried out by the defendant No.3/DDA in favour of the defendants No.1 & 2 on 28.11.2003 as null and void. Apart from the above relief, the plaintiff has sought relief of specific performance against the defendant No.1, calling upon her to perform her obligations arising out an Agreement dated 8.7.1999 in respect of a plot of land measuring 160 sq. yards situated at Outram Lines, Kingsway Camp, Delhi. The plaintiff has also sought a decree of permanent and mandatory injunction against the defendants.

2. On 31.5.2014, the learned Joint Registrar has passed a detailed order observing *inter alia* that the relief of declaration sought by the

plaintiff is barred by limitation and as a result, the consequential reliefs prayed for by him, which flow from the first relief, are also time barred.

3. With the aforesaid observation, the suit was placed before the Court on 21.8.2014. On 21.8.2014, I.A.No.9178/2014, an application filed by the plaintiff under Order VI Rule 17 CPC, was listed before the Court and at the request made on behalf of the plaintiff, the same was adjourned to 18.12.2014 and yet again to 21.4.2015, i.e., today.

4. Today, counsel for the plaintiff states that he has instituted a separate suit against the defendants, registered as CS(OS) No.813/2015 and his client seeks leave to withdraw the present suit.

5. In view of the aforesaid submission, the present suit is dismissed as withdrawn, along with the pending application, with liberty granted to the plaintiff to pursue the subsequent suit instituted by him.

APRIL 21, 2015
Sk/mk

HIMA KOHLI, J