

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

**+ CS(OS) 690/2009**

Decided on : 19.01.2015

**IN THE MATTER OF:**

SHRI K.K. BHASIN

..... Plaintiff

Through: Mr. Rajender Dhawan, Advocate

versus

SHRI M.M. BHASIN AD ORS

..... Defendants

Through: Mr. Satinder Singh, Advocate

**CORAM**

**HON'BLE MS.JUSTICE HIMA KOHLI**

**HIMA KOHLI, J.(Oral)**

**I.A. 1243/2015 (by the plaintiff u/O XXIII R 1 CPC)**

1. The present application has been filed by the plaintiff praying *inter alia* for seeking leave to withdraw the present suit.
2. Learned counsel for the plaintiff states that during the pendency of the present proceedings, the parties, who are related to each other, had appointed an Arbitrator to adjudicate the disputes between them and after they have agreed to the extent of their respective shares in the suit premises, as recorded in the order dated 15.10.2014 passed by the learned Arbitrator, only the modalities of the partition are now being

worked out. He therefore states that the plaintiff does not wish to pursue the present suit any further.

3. Out of 13 defendants, the present application has been signed by the defendants No.1, 2, 4 and 5, who have also sworn their affidavits in support thereof. A copy of the order dated 15.10.2014 passed by the learned Arbitrator has been filed. Learned counsel for the defendants No.1, 2, 4 and 5 states that his clients do not have any objection to the plaintiff withdrawing the present suit.

4. In view of the aforesaid submission made by the counsels for the plaintiff and the defendants No.1, 2, 4 and 5, the present suit is disposed of with liberty granted to all parties to pursue their remedies in respect of the subject suit before the learned Arbitrator.

5. The suit is disposed of.

6. The date already fixed before the learned Joint Registrar, i.e., 02.03.2015 stands cancelled.

**JANUARY 19, 2015**  
rkb

**(HIMA KOHLI)**  
JUDGE