

5
\$~
*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 894/2010 & IAs No.14280/2015 & 12186/2013

ROHIT SEHGAL

..... Plaintiff

Through Mr.S.K.Sharma, Mr.Rahul Sharma and
Mr.Prayas Aneja, Advocate

versus

RAKESH SEHGAL

..... Defendant

Through Mr.V.K.Ohri, Advocate with defendant
in person

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

%

09.09.2015

1. The plaintiff has instituted the present suit against the defendant praying *inter alia* for recovery of damages and permanent injunction respect of an immoveable property bearing No.A-1/107, Safdarjung Enclave, New Delhi.
2. Mr.Sharma, learned counsel for the plaintiff states that when the suit was listed for admission on 10.5.2015, an ex-parte ad interim order was passed directing the defendant to maintain status-quo in respect of the title and possession of the suit property till the rights of the parties are adjudicated. Subsequently, on 28.7.2010, the defendant had entered appearance and stated that since the probate petition is pending adjudication, his client shall not dispossess the

plaintiff from the suit premises till the rights of the parties are adjudicated. Thereafter, issues were framed in the suit on 30.5.2013 and in the course of trial, the defendant has filed an application under Order IX Rule VIII CPC, on which notice was issued on 20.7.2015, returnable for today.

3. Today, learned counsel for the plaintiff states that if the defendant is willing to abide by the undertaking given by him and recorded in the order dated 28.7.2010, passed in IA No.6122/2010, his client shall not press the relief of damages and he is willing to withdraw the present suit.

4. Counsel for the defendant states on instructions from his client that he is willing to abide by the statement recorded on 28.7.2010.

5. Accordingly, while binding the defendant to the aforesaid statement, the present suit is disposed of, along with pending applications, except for Cr.MA No.892/2012. The parties are left to bear their own expenses.

HIMA KOHLI, J

SEPTEMBER 09, 2015

mk