

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

+ CS(OS) 3300/2011 & I.A.20996/2011

Decided on : 21.01.2015

IN THE MATTER OF:

KASHVI BUILDWELL PVT LTD Plaintiff
Through : Mr. Vinayak Mehrotra, Advocate

versus

ASHOK KUMAR Defendant
Through : Mr. Shubham Tripathi, Advocate

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

HIMA KOHLI, J.(Oral)

1. The present suit was instituted by the plaintiff on 21.12.2011, under Section 6 of the Specific Reliefs Act, 1963 praying *inter alia* that the possession of the suit property, i.e., B-5/182 (Basement), Safdarjung Enclave, New Delhi, be restored to it.

2. Counsel for the plaintiff submits that later on, on 4.12.2012, the plaintiff company had instituted a separate suit for possession, declaration, permanent injunction, damages, mesne profits, etc., against the defendant and three other parties, registered as CS(OS)No. 3401/2012, which is pending adjudication in this court. He submits that

in view of the fact that the plaintiff has filed a substantive suit in respect of the same property against the defendant herein and other parties who have been added as co-defendants in CS(OS)No.3401/2012, he does not wish to press the present suit and seeks leave to pursue the suit filed later in time, i.e., CS(OS)No.3401/2012.

3. Counsel for the defendant is agreeable to the aforesaid suggestion.

4. Accordingly, the present suit is disposed of, along with the pending application, with liberty granted to both the parties to pursue/contest CS(OS)No.3401/2012.

JANUARY 21, 2015
sk/mk

(HIMA KOHLI)
JUDGE