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

+ **FAO(OS) 14/2016 & CM 1339/2016**

SUKARAT BAJAJ

..... Appellant

Through ; Mr Varun Goswami

versus

PREETINDER SINGH THAPAR & ORS

..... Respondents

Through : Mr Akshay Makhija with Ms Sanjugeeta
Moktan, Mr Siddharth Jhakur and Mr Sumant
Bhushan for R-1.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

22.04.2016

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We have heard the learned counsel for the parties. Mr Makhija is appearing on behalf of the respondent No.1. The other respondents were proceeded *ex parte* in the suit and had not even filed their written statements.

Mr Makhija appearing on behalf of the respondent No.1 seeks permission to withdraw the amendment application, being IA 5595/2013, on which the impugned order has been passed, whereby the amendments sought by the respondent No.1, were allowed. Mr Makhija states that the only reason why the amendment application was made was because of certain observations in the order dated 05.02.2013 passed in IA 12271/2012, specifically the observations contained in paragraph 13 of the said order. That order was passed on an interim application under Order 39 Rule 2A filed by the learned counsel for the respondent No.1/ plaintiff. It is obvious that those observations are merely *prima facie* in nature and will not bind the learned Single Judge in deciding the suit based on the

issues already framed and the pleadings on record. It is in view of this that Mr Makhija seeks withdrawal of IA 5595/2013. The withdrawal of the said IA would obviously mean that the impugned order no longer holds good.

As such, the plaint, as it existed prior to the impugned order dated 04.11.2015, shall be the plaint for the purposes of the suit.

The appeal stands disposed of accordingly.

BADAR DURREZ AHMED, J

APRIL 22, 2016
SR

SANJEEV SACHDEVA, J