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

+ CS(OS) 114/2016 and I.A. Nos.3119-21/2016.

PRAN NATH MEHTA AND OTHERS Plaintiffs

Through: Mr. P.P. Ahuja, Advocate.

versus

AMBA MOTORS PVT. LTD. Defendant

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **08.03.2016**

1. Counsel for the plaintiffs states that in view of provision of Order 20 Rule 12 of Code of Civil Procedure, 1908 (CPC) *pendente lite* mesne profits in an earlier suit which is pending and filed by the same plaintiffs-landlords against the same defendant-tenant will have to be claimed by amending the suit and seeking necessary enquiry and reliefs with respect to *pendente lite* mesne profits and that the present suit would therefore be not the remedy.

2. In view of the above, suit is allowed to be withdrawn with liberty to file an application in the pending suit under Order 20 Rule 12 CPC.

3. Since the suit is withdrawn at the initial stage, in accordance with Section 16-A of the Court-Fees Act, 1870 (as applicable in Delhi) plaintiffs will be entitled to refund of 50% of the court fee paid in the suit. Registry is directed to issue the necessary certificate in favour of the plaintiffs.

VALMIKI J. MEHTA, J

MARCH 08, 2016

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