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

+ **CS(COMM) 1183/2016 and I.A. 10609/2016**

**M/S CONCORDE RESIDENTIAL SCHOOLS KERALA PVT LTD**

..... Plaintiff

Through: Mr. Rahul Ray, Advocate

versus

**M/S ICICI BANK LIMITED & ORS**

..... Defendants

Through: None

**CORAM:**

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

**ORDER**

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**02.09.2016**

1. The present suit was listed for admission on 31.08.2016, on which date, counsel for the plaintiff had sought time to address the Court on the aspect of territorial jurisdiction. At his request, the case was adjourned to 01.09.2016.

2. On 01.09.2016, arguments on the interim application were addressed by the learned senior advocate appearing for the plaintiff and in the course of the arguments, certain queries were posed to the learned counsel, particularly in the light of the averments made in paras 43 to 46 of the plaint and counsel for the plaintiff was requested to obtain instructions from the plaintiff as to whether the plaintiff was willing to offer a security for the value of the equity shares to the extent of 10,93,000 in respect of the

defendant No.4/company, subject matter of the Pledge Agreement dated 19.05.2014.

3. On the first call, a pass over was granted for obtaining instructions from the plaintiff. In the post lunch session, a request for adjournment was made to obtain clear instructions from the plaintiff. As a result, the case was adjourned for today.

4. Today, learned counsel for the plaintiff states on instructions that the plaintiff is not in a position to offer the security amount and instead, seeks permission to withdraw the present suit. He however requests that the court fee deposited on the plaint may be refunded.

5. The suit is dismissed as withdrawn alongwith the pending application.

6. In view of the fact that the suit is still at the stage of admission, it is deemed appropriate to direct refund of 50% of the Court fee to the plaintiff.

**SEPTEMBER 02, 2016**

rkb/ap

**HIMA KOHLI, J**