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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 890/2014

LOKESH SAREEN

..... Petitioner

Through: Mr. Kunal Madan, Advocate.

versus

MADHU RANI & ANR

..... Respondents

Through: Mr. M.A. Arunesh with Ms. Nidhi
Mohan Parashar, Advocates.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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15.03.2018

The petition at hand seeks to assail the orders dated 02.09.2013 and 26.07.2014 of the additional district judge passed on the file of suit (CS No. 294/2013) which was instituted by the petitioner under Order XXXVII of the Code of Civil Procedure, 1908 (CPC) for recovery of Rs.19,45,657/-.

Concededly, the petitioner as the plaintiff was represented before the trial court by Mr. Basant Gupta, Advocate. Concededly, in terms of the *vakalatnama* that was filed, Mr. Basant Gupta, Advocate had been authorised, *inter alia*, to withdraw the suit. On 02.09.2013, Mr. Basant Gupta, Advocate representing the petitioner (plaintiff) made a statement seeking to withdraw the suit. The said submission was formally recorded as a statement of the counsel and the suit stood disposed of accordingly and the court fees being returned to the plaintiff.

The petitioner thereafter moved an application under Sections 151 and 152 CPC seeking recall of the said order submitting that inadvertently the prayer for liberty to file a fresh suit on the same cause of action was not sought. This application was dismissed by the additional district judge by order dated 26.07.2014.

The view taken by the trial court against the above backdrop does not suffer from any error or infirmity. It is rather in accord with the provisions contained in Order XXIII CPC.

The petition is thus dismissed.

R.K.GAUBA, J

MARCH 15, 2018

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