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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 2515/2009 & IA No.2643/2012 (u/O I R-10(2) CPC)
THE INDIAN PERFORMING RIGHT SOCIETY LTD. Plaintiff
Through: Mr. Munish Mehra, Adv.

Versus

J.P. INFRASTRUCTURE PVT. LTD. Defendant
Through: Mr. Amarjit Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **13.03.2018**

1. The counsels have mentioned the matter.
2. The counsel for the plaintiff seeks liberty to withdraw this suit and to approach the Court of appropriate jurisdiction including for the same reliefs as claimed in this suit. It is stated that owing to the dicta in *Indian Performing Rights Society Ltd. Vs. Sanjay Dalia* (2015) 10 SCC 161 and *Ultra Home Construction Pvt. Ltd. Vs. Purushottam Kumar Chaubey* (2016) 227 DLT 320 and owing to the plaintiff during the pendency of this suit having set up a branch office at the place where the defendant is situated, the plaintiff does not want to take a chance of proceeding with the suit and ultimately lose on the aspect of territorial jurisdiction qua which an issue has already been framed.
3. The counsel for the defendant has no objection.
4. The suit is dismissed as withdrawn with liberty to file afresh in the Court of appropriate jurisdiction. The parties are left to bear their own costs.

RAJIV SAHAI ENDLAW, J.

MARCH 13, 2018/bs..