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

+ **FAO 448/2016**

**PRABHJIT SINGH JOHAR** ..... Appellant  
Through: Mr. Nimish Chib, Advocate.

versus

**TARUN ARORA & ANR** ..... Respondents  
Through: Mr. P.K. Rawal, Mr. Tarun Agarwal  
and Mr. Rishabh Sharma, Advocates.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

% **ORDER**  
**26.08.2020**

**CM APPL.20528/2020**

1. The hearing was conducted through video conferencing.
2. By this application, appellant seeks leave to withdraw the appeal.
3. The appellant had filed the subject appeal against order dated 06.06.2016 whereby the application filed by the appellant under Order 39 Rule 1 & 2 CPC had been dismissed.
4. Learned counsel appearing for the respondents submits that the appeal was frivolous and based on incorrect facts and several misrepresentations were made. He submits that this appeal was listed on 20 dates prior to today and substantial time and expense has been incurred by the respondents in pursuing the appeal.
5. Normally this Court would not impose costs when an appeal is sought to be withdrawn unconditionally, however, keeping in view the fact

that several hours were spent by not only this Court but other Judges also in hearing the appeal finally and arguments in the appeal were heard on several dates, I am of the view that since substantial time of the Court has been spent in this appeal, which could have been utilised in more deserving cases and the appeal is now sought to be withdrawn unconditionally, without any cogent reason, the same should be permitted only subject to costs.

6. The application is accordingly, allowed subject to payment of costs of Rs.2 lakhs out of which Rs.1 lakh shall be paid to the respondents and Rs.1 lakh shall be deposited in the “*PM Cares Fund*” within a period of four weeks from today.

7. Receipt of payment/deposit of costs shall be produced before the concerned Trial Court and the Trial Court shall not proceed with the Suit filed by the Appellant till the costs are paid/deposited and receipts produced.

**FAO 448/2016 & CM APPL.33448/2016 & 20529/2020**

1. In view of the orders passed in the application, the appeal is dismissed as withdrawn.

2. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email.

**SANJEEV SACHDEVA, J**

**AUGUST 26, 2020**  
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