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

% ***Date of decision: 07th November, 2023***

+ **CS(OS) 580/2018**

NTPC LTD. Plaintiff

Through: Mr. Rajesh Gupta, Advocate.

versus

SH. PANKAJ KUMAR & ORS. Defendants

Through: Mr. Om Prakash, Advocate for D-1 to 4.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

I.A. 18698/2023 (u/O XXIII Rule 1 r/w Section 151 of CPC, 1908)

1. The present Application under Order XXIII Rule 1 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant/plaintiff seeking disposal of the present Suit.
2. Issue notice.
3. Mr. Om Prakash, learned counsel for the non-applicant/defendant Nos. 1 to 4, accepts notice.
4. It is stated that the possession of the suit property has already been surrendered to the Government and the applicant/plaintiff is left with no interest in the suit property.
5. Learned counsel for the applicant/plaintiff submits that the plaintiff does not wish to continue with the present Suit and seeks leave to withdraw



the present Suit.

6. Learned counsel for the defendant Nos. 1 to 4 takes an objection to the withdrawal of the present Suit on the ground that the Suit is vexatious and *mala fide* and the same is liable to be dismissed.

7. **Submissions heard.**

8. Under Order XXIII Rule 1 of the Code of Civil Procedure, 1908, the objection that can be taken by the defendants is for costs, but aside from that, no other objection can be taken on behalf of the defendants to the withdrawal of the Suit.

9. Accordingly, the present application is allowed, and the Suit is dismissed as withdrawn.

CS(OS) 580/2018 & I.As. 16181/2018, 16182/20218, 16183/2018, 16184/2018

10. In view of the Order passed in Application bearing No. I.A. 18698/2023, the present Suit along with pending applications is dismissed as withdrawn.

**(NEENA BANSAL KRISHNA)
JUDGE**

NOVEMBER 07, 2023

S.Sharma