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

+ **CS(OS) 217/2023 & I.A. 8496/2024**

SH. BHAVIK JAIN

.....Plaintiff

Through: **Mr. Kumar Bhawani Shankar,**
Advocate (through VC)

versus

SH. PAWAN SARASWAT & ORS.

.....Defendants

Through: **Mr. Manjul Mayank Shukla, Mr.**
Vivek Kumar Tripathi and Mr. Anil
Kumar, Advocates for Applicant/D-1
(through vc)
Ms. Swati Bansal, Mr. Ayush and
Mr. Somvartika Pathak, Advocates
for D-2 and 3.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

10.09.2024

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1. Learned counsel for the plaintiff states that deficit court fee amounting to Rs.1,90,000/- has been deposited on 06th September, 2024. The same is not on record.
2. Learned counsel for the plaintiff states that he has instructions to withdraw the present suit and approach the Court of appropriate jurisdiction since the plaintiff intends to file two separate suits with respect to the two separate immovable properties enlisted in this plaint. He states that he seeks liberty to withdraw the present suit.
3. Learned counsel for defendant no.1 states that defendant no.1 has



already raised objection that the claims of the plaintiff *qua* both the properties are barred by limitation.

4. Learned counsel for defendants no.2 and 3 states that she has no objection to the prayer of the plaintiff with respect to the withdrawal of the present suit.

5. The present suit is permitted to be withdrawn.

6. Accordingly, the present suit is permitted to be withdrawn with liberty reserved to the plaintiff to file a fresh suit on the same cause of action albeit in accordance with law.

7. It is made clear that the objections of defendant no.1 *qua* limitation are kept open and provisions of Order XXIII Rule 2 CPC shall govern the proceedings.

8. All pending applications stand disposed of.

9. All future dates are hereby cancelled.

10. In view of the withdrawal of the suit at this initial stage, the registry is directed to refund 90% of the Court fee deposited by the plaintiff in the plaintiff's name within four weeks, in accordance with law.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 10, 2024

Mk/AKT