



\$~44

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

+ C.R.P. 56/2024, CM APPL. 8154/2024 (stay)

SHRIPAD MANIKRAO KHALIKAR Petitioner

Through: Mr. Rohit Valecha, Adv.

versus

RAJINDER PAL @ KUKU & ORS. Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

%

09.02.2024

CM APPL. 8155/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 56/2024

3. By way of the present revision petition, the petitioner, who is now arrayed as defendant No.3 in the suit pending before the learned Trial Court, is assailing the impugned order dated 21.12.2023 whereby his application under Order VII Rule 11 CPC has been dismissed.
4. It is submitted by learned counsel appearing for the petitioner that initially, the suit was filed by respondent Nos.1 and 2/plaintiffs thereby arraying one Mr. Sanjay Kumar Khailkar as defendant Nos.3 and it was claimed that he was a tenant under defendant Nos.1 and 2. However, on an application moved on behalf of defendant Nos.1 and 2, the name of the tenant has been corrected and the amended memo of parties has been filed on 28.09.2022 pursuant to the order dated 19.09.2022.
5. Learned counsel appearing for the petitioner has argued that in



the entire plaint, there is no whisper of any allegation as to what threats, if any, have been advanced by the present petitioner/defendant No.3. It is pointed out that in the cause of action clause, a sweeping allegation has been made that the cause of action commenced w.e.f. July, 2018 whereas evidently, the petitioner/defendant No.3 was inducted as a tenant by defendant Nos.1 and 2 in the suit on 14.08.2018. After making submissions, learned counsel for the petitioner requests permission to withdraw the present petition with liberty to file an application under Order I Rule 10 CPC before the learned Trial Court.

6. Accordingly, the present revision petition is dismissed as withdrawn with liberty to the petitioner to file an application under Order I Rule 10 CPC before the learned Trial Court, which shall be decided as per law.

7. Copy of this order be sent to the learned Trial Court for information.

DHARMESH SHARMA, J.

FEBRUARY 9, 2024/ck