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

% ***Date of decision: 14th August, 2024***

+ CM(M) 1924/2024 & CM APPL. 46761-46762/2024, CM APPL. 46815/2024

KASTURI RAJAN & ORS.

.....Petitioners

Through: Mr. Virender Goswami with Ms. Swati Goswami and Mr. Parkhi Singh, Advocates.

versus

VATSALA VESCIO & ORS.

.....Respondents

Through: Mr. Avneesh Garg with Mr. Harsh Pal, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioners are defendant Nos.1 to 4 before the learned Trial Court.
2. The matter has been taken up today as an application has been moved by them seeking stay of the proceedings.
3. Learned counsel for respondent No.1 (plaintiff) is also present.
4. With the consent of both the sides, arguments with respect to the main petition have been heard.
5. During arguments, a proposal was given to both the sides and such proposal has been readily accepted by them.
6. Keeping in mind the peculiar facts and circumstances of the case and with the consent of the parties, the present petition is disposed of with the direction that the learned Trial Court would take up the



application moved by the plaintiff under Order I Rule 10 CPC seeking deletion of defendant Nos.5 and 6 and after hearing arguments with respect to said application, it would dispose of the aforesaid application and thereafter, proceed with the main matter in accordance with law.

7. Learned counsel for the respondent (plaintiff) has also contends that perhaps he may not even press the above application moved under Order I Rule 10 CPC. According to learned counsel for the petitioner (defendant Nos.1 to 4 before the learned Trial Court), whereas, a right has accrued to them and, therefore, the above said application cannot now be permitted to be withdrawn.

8. Such question is left open and would be decided by the learned Trial Court in accordance with law.

9. It is also apprised that the evidence is going to be recorded by the learned Local Commissioner. However, in view of the above directions, the recording of evidence may be suitably deferred as per the directions of the learned Trial Court.

10. The next date of 18.09.2024 is cancelled.

11. Present petition is disposed of in above said terms.

12. Copy of the order be given Dasti under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

AUGUST 14, 2024
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