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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CM(M) 2835/2024 & CM APPL. 36357/2024**  
**MANJU DAYAL** .....Petitioner

Through: Mr. Harish Katyal, Advocate.

versus

**STATE OF NCT DELHI AND ANR** .....Respondents  
Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ JAIN**

**ORDER**  
**03.07.2024**

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1. Present petition has been filed under Article 227 of the Constitution of India.
2. Petitioner herein was the plaintiff before the learned Trial Court. She moved an application under Order XII Rule 6 CPC based on the admission made by the defendant in written statement and on the basis of such admission, learned Trial Court decided the application under Order XII Rule 6 read with Section 151 CPC in favour of the plaintiff.
3. Resultantly, the suit was decreed.
4. As per the observations appearing in order dated 30.05.2023, learned Trial Court allowed the application and the plaintiff was held entitled to recovery of Rs.58 lakhs. It also specifically observed that *no order as to interest was being made.*
5. On the basis of the aforesaid order, a decree was also drawn.
6. Though the matter was kept pending for some inexplicable reason, it has now been apprised that nothing is pending before the

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Court in view of the fact that the suit has already been decreed.

7. The grievance of the petitioner is very specific. He is aggrieved by the fact that while decreeing the suit, the Court did not grant any *pendent lite* and future interest.

8. During course of consideration of the present petition, learned counsel for the petitioner has, very fairly, submitted that he may be permitted to withdraw the present petition with liberty to file an appeal challenging the aforesaid finding regarding non-grant of interest.

9. Heard.

10. In view of the above statement made by learned counsel for the petitioner, the present petition is hereby dismissed as not pressed. Liberty, as prayed for, is granted.

**MANOJ JAIN, J**

**JULY 3, 2024**  
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