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

+ **CS(COMM) 28/2022 & I.A. 48844/2024**

AXIS TRUSTEE SERVICES LIMTIED & ORS.Plaintiffs

Through: Mr. Madhav Khosla and Mr. Siddhant
Grover, Advocates

versus

SANJEEV MAHAJAN & ORS.Defendants

Through: Mr. Nakul Mohta, Mr. Sanat Garg,
Ms. Riya Dhingra and Mr. Puneet
Pathak, Advocates

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 18.12.2024

I.A. 48844/2024 (under Section 151 CPC)

1. This is an application under Section 151 of the Code of Civil Procedure, 1908, filed by the plaintiffs seeking leave to withdraw the captioned suit. The relevant portion of the application read as under:

“4. The parties to the captioned suit, as also certain other parties to the Debenture Subscription Agreement dated 27 March 2019 ("**DSA**"), and Debenture Trust Deed dated 28 March 2019 ("**DTD**"), Mrs. Samiksha Mahajan, and Mr. Nimit Mahajan, have resolved all disputes and claims arising out of the Transaction Documents (as defined in the DSA and DTD). The Plaintiffs state that as a result of the arrangement arrived at and recorded by way of the no dues and no claims letter dated 12.12.2024 issued by the Plaintiffs herein, ("**Bondholders NDC**") and the no dues and no claims letter dated 12.12.2024, issued by the Defendants No. 1-4, Mr. Nimit Mahajan, Mrs. Samiksha Mahajan, and the other obligors party to the DSA ("**Obligors NDC**", together, with the Bondholders NDC, collectively referred as the "**NDCs**") , no further claims or causes of action survive or may subsequently arise under the Transaction Documents .

...



7. Therefore, in light of the understanding arrived at by the Parties, as reflected in the NDCs, the Plaintiffs herein most respectfully pray that this Hon'ble Court may be pleased to allow withdrawal of the captioned suit.”

2. Learned counsel for the plaintiffs states that in view of the aforesaid understanding arrived at between the parties, the plaintiffs seek to withdraw the present suit.

3. Learned counsel for the defendants confirms the submissions of the plaintiffs and states that they have no objection to the said withdrawal.

4. The suit is accordingly, disposed of as withdrawn.

5. Learned counsels for the plaintiffs states that in view of the withdrawal of the suit at the stage prior to framing of issues, a part of the Court fees deposited may be refunded to the plaintiffs as per the discretion of this Court.

6. In view of Section 16A of the Court Fee Act, 1870 the registry is directed to refund 25% of the Court fees in favour of plaintiff no. 1 within four (4) weeks in accordance with the rules.

7. Pending applications stand disposed of.

8. Interim orders stand vacated.

9. All future dates stand cancelled.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 18, 2024/msh/MG

[Click here to check corrigendum, if any](#)