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

+ **W.P.(C) 11485/2024***(disposed of case)*

MESSERS CAFE DRAWING ROOM

.....Petitioner

Through: Mr. Shantanu Sagar, Mr. Anil Kumar
and Mr. Gunjesh Ranjan, Advocates.

versus

JAMIA MILLIA ISLAMIA UNIVERSITY

.....Respondent

Through: Mr. Pritish Sabharwal, Standing
Counsel with Ms. Shweta Singh,
Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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12.09.2024

CM APPL. 53544/2024 *(on behalf of Petitioner seeking recall of order dated 20th August, 2024)*

1. The instant petition has been disposed of as withdrawn on 20th August, 2024, giving liberty to Petitioner to agitate their grievance that were raised in the writ petition before a civil court.
2. At that stage, the Respondent had represented to the Court that they had also filed a civil suit before the District Judge, Saket Courts.¹ This representation also finds mention in paragraph no. 3 of the order. However, subsequently, as urged in the present application, the aforementioned suit was withdrawn by Respondent, with liberty to initiate pre-litigation mediation. The withdrawal of the suit was therefore, on this technical ground and the



Respondent has since initiated pre-litigation mediation proceedings under Section 12A of the Chapter IIIA of the Commercial Courts Act, 2015 for which the first notice of appearance dated 10th September, 2024 has been issued *vide* reference no. 1108/09/SE/MED/DLSA/2024.

3. In any event, in the opinion of the Court, withdrawal of the civil suit by the Respondent is not a ground for recall of the order dated 20th August, 2024, disposing of the writ petition. Petitioner's rights have already been sufficiently safeguarded through an observation that the Petitioner can urge all their grievances before a civil court '*by way of defence or counter claim as deemed necessary*'. This would mean that irrespective of the withdrawal of the suit by Respondent, Petitioner can agitate their claims by way of a civil suit or counter claim.

4. In light of the above, the Court does not find any ground to recall the order dated 20th August, 2024.

5. Disposed of.

SANJEEV NARULA, J

SEPTEMBER 12, 2024

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¹ CS(COMM) 3591/2024