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

+ **CS(OS) 855/2023 & I.A. 25842/2023, I.A. 44896/2024**

ANJALI KHOSLA

.....Plaintiff

Through: **Mr. Sumit Kalra, Ms. Anisha Arora,**
Advocates

versus

ARUN AHUJA & ORS.

.....Defendants

Through: **Mr. Nikhil Chawla, Ms. Sanya**
Kumar, Advocates for D-1 to D-3

Mr. Biswajit Das, Mr. Jaspinder Kaur,
Advocate for D-4

Mr. Vivek Sibal, Sr. Adv., Ms. Aditi
Sharma, Advs. for D-5 to D-8

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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13.11.2024

I.A. 44896/2024(Application on behalf of plaintiff under Section 151 of the CPC for withdrawal of the suit)

1. This is an application filed by the plaintiff seeking to unconditionally withdraw the present suit.
2. The reasons set out in the application for withdrawing read as under:
 - i. The Properties mentioned at S.No. 1-3 and 5 of Appendix A to the Plaint are owned by Defendant No 9 Company.
 - ii. The property mentioned at S.No. 4 of Appendix A to the Plaint is owned by Defendant No 1 and the Plaintiff has no rights over the said property.
 - iii. The Plaintiff has no rights over the share and/or the assets of Defendant No. 9 Company.
 - iv. That the Tirath Ram Ahuja HUF Stands dissolved and has been partitioned in the year 2008 and Defendant No 1 is consequently the exclusive owner of, inter-alia S.No. 4 of



Appendix A to the Complaint.

3. Learned counsel for the plaintiff states that in view of these averments, the plaintiff be permitted to unconditionally withdraw this suit.

4. Learned counsels for defendant nos. 1 to 3, 5 to 9 state that they have no objection to the relief sought in this application.

5. Learned counsel for defendant no. 4 states that defendant no. 4 does not admit to the contents of this application and is not bound by the admission made by the plaintiff therein.

5.1 He states that defendant no. 4 has independent rights in the suit properties and therefore reserves her right to institute independent proceedings for seeking her share in the suit property in accordance with law.

5.2 He states that to this extent the rights of the defendant no. 4 need to be protected by the Court while permitting the plaintiff to withdraw her suit.

6. This Court has considered the submissions of the parties.

7. The application is hereby allowed and the suit is permitted to be withdrawn without prejudice to the rights and contentions of defendant no. 4 as recorded hereinabove. Defendant no. 4 is at liberty to avail her remedies in an appropriate form and in accordance with law. It is however clarified that the plaintiff herein shall remain bound by the submissions made by her in this application.

8. Pending application stands disposed of.

9. Interim orders, if any, stands vacated and all future dates stands cancelled.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 13, 2024/mt