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

+ **CS(OS) 886/2024 & I.A. 44512/2024**

ANUJ KUMAR

.....Plaintiff

Through: **Mr. Yogender Saini, proxy counsel
(through VC)**

versus

AMIT KUMAR & ORS.

.....Defendants

Through: **Mr. Robin Ratnakar David, Mr. Nihar
Baijal, Advocates**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 18.12.2024

1. Learned counsel for defendant no. 4, Mr. Robin Ratnakar David enters appearance on behalf of defendant no. 4.
2. Defendant no. 4 is also present in person.
3. He states that he will file his vakalatnama on behalf of defendant no. 4 within a period of one (1) week
4. He states that the plaintiffs have since handed over the possession of the plot no. RZ- 26P/166, Gali No.8 Indira Park Extension, Palam Colony, Delhi- 110045 ('suit property') to defendant no. 4 in compliance with the consent decree dated 17.05.2024.
5. He states that the present suit is an abuse of process of Court and this Court ought to impose exemplary cost on the plaintiff for instituting these proceedings.
6. Mr. Yogender Saini, learned proxy counsel appears on behalf of the



plaintiff states that since the plaintiff has already complied with the consent decree and does not wish to pursue the present suit, the plaintiff may be permitted to unconditionally withdraw this suit; and prays that this Court may not impose costs on him.

7. Keeping in view the fact that the consent decree has now been complied with and the suit is at the initial stage, this Court permits the plea of the plaintiff to unconditionally withdraw the suit, however, this Court cautions the plaintiff against filing such frivolous suits, which are nothing but an abuse of process.

8. Since the plaintiff has accepted its mistake and seeks to withdraw the suit; and for that reason, this Court does not impose costs on the plaintiff.

9. Accordingly, the suit is hereby dismissed as withdrawn without any liberty reserved to the plaintiff herein.

10. Pending applications stands disposed of.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 18, 2024/mt/ms

Click here to check corrigendum, if any