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

+ **CM(M) 3988/2024**

SH.MANUSUD

.....Petitioner

Through: Mr. Anis Ahmed, Mr. Ranjit Singh
Rizwan, Advs.

versus

SH. SATISH KMUAR BAKSHI & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

05.12.2024

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CM APPL. 71114/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 3988/2024

1. The petitioner and the respondents entered into a Memorandum of Understanding [“MOU”] on 06.12.2022, as per which respondent No.3/objector agreed to vacate and hand over the possession of the suit premises to the petitioner.
2. The petitioner had agreed to pay of Rs 6,25,000/- to the objector.
3. In view of the aforesaid MOU, the execution application was not pressed by the petitioner. The Objector did not press his objection and therefore vide order dated 15.05.2023, the execution petition and the objection petition were disposed of as withdrawn at the request of the



parties.

4. While passing the said order, the learned Trial Court made it clear that nothing in those proceedings shall be construed as the Court considering/giving the approval or conferring the seal to the MOU dated 06.12.2022.

5. On 01.07.2022, the petitioner filed the review application under Order XXXXVII Rule 1 CPC seeking review of the order dated 15.05.2023. Vide impugned order dated 13.08.2024, the learned Trial Court dismissed the review application, finding no error in the earlier order and concluded that the review application was not maintainable.

6. After part submissions, learned counsel for the petitioner seeks permission to withdraw the present petition stating that he would rather file a fresh execution application, while bringing on record the entire facts and reasons for withdrawal of the previous execution application.

7. He is at liberty to do so, if permissible under the law. The statement made by learned counsel for the petitioner is taken on record and the present petition is dismissed as withdrawn.

RAVINDER DUDEJA, J

DECEMBER 5, 2024

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