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

+ CS(COMM) 128/2022 and I.A. 3102/2022, I.A. 16410/2022, I.A. 21082/2022, I.A. 1754/2023, I.A. 4637/2023, I.A. 7982/2023, I.A. 8065/2023, I.A. 8092/2023, I.A. 8100/2023, I.A. 8111/2023, I.A. 8112/2023, I.A. 12719/2023, I.A. 13999/2023, I.A. 38525/2024, I.A. 45048/2024, I.A. 46491/2024, I.A. 3426/2025, I.A. 6751/2025, O.A. 71/2022, O.A. 80/2022

ASIAN HOTELS NORTH LTD

.....Plaintiff

Through: Mr. Rajiv Nayar, Sr. Adv. and Mr. Sidhant Kumar, Ms. Manyaa Chandok, Ms. Ekssha Kashyap, Dr. Rajeshwar Singh and Ms. Molly Agarwal

versus

YES BANK LTD & ORS.

.....Defendants

Through: Mr. Raunak Dhillon, Mr. Nihaad Dewan and Mr. Jeezan Riyaz, Advs for D-1 and 5.
Mr. Nishant Awana, Ms. Rini Sharma and Ms. Nitya Sharma, Advs with Mr. Vaibhav Yadav, Chief Manager of Bank of Maharashtra for D-6.
Mr. Harish Malhotra, Sr. Adv with Mr. Madhur Dhingra, Mr. Apoorv Agarwal, Mr. Manav Goyal, Ms. Ritika Gusain and Mr. Abhishek Jaiswal and Ms. Jahnvi Gupta, Advs for Exclusive Capital Ltd.
Mr. Sanyam Khetarpal and Ms. Lisa Sankrit, Advs for D-9.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV



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ORDER
08.04.2025

1. It is to be noted that the Division Bench of the Court has decided FAO(OS) (COMM) 282/2024 and FAO(OS) (COMM) 9/2025 vide two separate orders of even date, i.e., 03.04.2025, which reads as under:-

FAO (OS) (COMM) 282/2024

1. *The learned senior counsel for the respondent no. 1 submits that in terms of a Compromise Settlement Sanction dated 24.01.2025, the respondent no. 1 has paid the Entire One-Time Settlement amount to the appellant. He submits that in terms of the settlement, nothing further survives in this appeal and that he shall be withdrawing the suit that is pending before the learned Single Judge.*
2. *As the appellant is withdrawing the Suit itself, nothing further survives in this appeal. Needless to state, once the suit has been withdrawn, any interim/interlocutory order that has been passed in the Suit, cannot survive or affect the rights of the parties to the Suit or others.*
3. *In view of the above, the appeal is disposed of as having become infructuous. However, in case the respondent no. 1 does not withdraw the Suit, it shall be open to the appellant to revive the present appeal.”*

FAO (OS) (COMM) 9/2025

1. *This appeal has been filed by the appellant, challenging the Order dated 23.12.2024 passed by the learned Single Judge of this Court in I.A. No. 3178/2022 in CS (COMM) No. 128/2022, titled Asian Hotels North Ltd. v. Yes Bank Ltd. & Ors. (hereinafter referred to as, ‘suit’), whereby the learned Single Judge, while allowing the said application filed by VSJ Investment Pvt. Ltd., respondent no. 1 herein, under Order I Rule 10 of the Civil Procedure Code, 1908 (CPC), permitted VSJ Investment Pvt. LTD. to be substituted in place of the appellant herein as the defendant no. 9 in the said Suit.*
2. *The learned counsel for the respondent no. 4, who is the plaintiff in the above-captioned suit, submits that in view of the Compromise Settlement Sanction dated 24.01.2025 between the respondent no. 4 and the Bank of Maharashtra, the respondent no. 4 has paid the entire One Time Settlement amount and shall be unconditionally withdrawing the suit pending before the learned Single Judge.*
3. *As the appellant is withdrawing the Suit itself, nothing further survives in this appeal. Needless to state, once the suit has been withdrawn, any*



interim/interlocutory order that has been passed in the Suit, cannot survive or affect the rights of the parties to the Suit or others

4. *In view of the above, the appeal is disposed of as having become infructuous. However, in case the respondent no. 4 does not withdraw the Suit, it shall be open to the appellant to revive the present appeal. We further make it clear that the appellant shall be entitled to agitate its individual rights in its individual separate proceedings”*

2. There seems to be certain applications filed by the parties. One is filed on behalf of the plaintiff i.e. I.A. 3426/2025 for withdrawal of the suit and the other is on behalf of the defendant no.6 i.e. 6751/2025 to record the terms of settlement.

3. In view of the aforementioned development, Mr. Rajiv Nayar, learned senior counsel for the plaintiff at this stage seeks liberty to withdraw the instant civil suit.

4. The aforesaid prayer is not opposed by learned counsel who appears for the respective parties.

5. Accordingly, the instant civil suit stands dismissed as withdrawn.

PURUSHAINDR KUMAR KAURAV, J

APRIL 8, 2025

aks/sp

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