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

+ **CS(OS) 185/2024, I.A. 5103/2024, CAV 100-101/2024**

**MR. VIKAS VIJ & ANR. ....Plaintiffs**

Through: Mr. Sanjiv Sagar, Sr. Adv. with Ms. Kavita Nailwal, Adv. with plaintiffs in person  
Plaintiff nos. s1 and 2 in person

versus

**MR. VIKRAM VIJ & ORS. ....Defendants**

Through: Mr. Prag Chawla and Ms. Jaspreet Kaur, Advs. for D-1 and 2  
Mr. Devashish Marwah, Ms. K. Natasha and Mr. Yashovardhan, Advs. for D-3

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

**% 08.08.2025**

1. Learned senior counsel for the plaintiffs' states that plaintiff nos. 1 and 2 are present in Court. He states that plaintiff nos. 1 and 2 seek to unconditionally withdraw the present suit and prays that since summons have not been issued, this Court may consider the refund 50% of the court fee to the plaintiffs.
2. He states that the plaintiffs do not wish to initiate any further proceedings against defendant nos. 1, 2 and 3 and are unconditionally withdrawing all their claims against the defendants and the suit property.
3. Learned counsel for defendant nos. 1 and 2 states that the suit property [i.e., one shop on ground floor with basement underneath the shop in Property Number 2799, Ward No. XVI, comprised in Khasra No.83, in Block 'P', Gali No.19-20, Naiwala Estate, Beadon Pura, Karol Bagh, New Delhi – 110005], has already been sold to defendant no. 3 and the plaintiffs



have no cause of action against defendant nos. 1 and 2 or defendant no. 3. He states that the mother of defendant no. 1 and defendant no. 2 had never executed any agreement with the plaintiff's father as alleged in the plaint. He states that however, since the suit is being unconditionally withdrawn, the said defendants are not opposing the said oral reliefs.

4. Learned counsel for defendant no. 3 states that he is the absolute owner of the suit property and is in actual physical possession of the property. He states that since the plaintiff is unconditionally withdrawing the suit defendant no. 3 does not have any objection to the oral reliefs prayed for.

5. In view of the aforesaid submissions of the plaintiffs, the present suit stands dismissed as withdrawn along with pending applications, without liberty reserved.

6. In view of the submissions of the plaintiffs, since the *lis* has come to an end between the parties and the suit is at the pre-summoning stage, the request for partial refund of 50% court fees is accepted in terms of the judgment passed by the Division Bench of this Court in **Amit Jain v. Mahavir International Pvt. Ltd. and Others**<sup>1</sup>. The Registry is directed to issue a certificate for refund of 100% Court fees in favour of the plaintiff no. 1 within four (4) weeks.

7. All future dates stand cancelled.

**MANMEET PRITAM SINGH ARORA, J**

**AUGUST 8, 2025/msh/MG**

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<sup>1</sup> 2023 SCC OnLine Del 2657 [Paragraph Nos. 12 and 13]