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

+ **CS(COMM) 241/2025 and I.A. 18345/2025**

KANCHAN KUMAR

.....Plaintiff

Through: Mr.Deepak Gautam, Advocate.

versus

UNION OF INDIA & ANR.

.....Defendants

Through: Mr.Gibran Naushad, SSC with
Mr.Harsh Singhal, Mr.Suraj Shekhar
Singh, Advocates for D-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

31.07.2025

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1. Having heard learned counsel appearing on behalf of the parties, it appears that the plaintiff has filed the suit in terms of the liberty granted by the Supreme Court.
2. The plaintiff admittedly has not resorted to the mandate of provision of Section 12-A of the Commercial Courts Act, 2015.
3. Since the maintainability of the suit without availing the said provision, was not the subject matter of adjudication before the Supreme Court, therefore, there cannot be any deemed exemption for the plaintiff.
4. Under the aforesaid circumstances, learned counsel for the plaintiff seeks liberty to withdraw the instant civil suit with further liberty to avail the remedy under Section 12-A of the Commercial Courts Act, 2015 and to



reinstitute a fresh suit, in case, the same does not fructify.

5. The aforesaid prayer seems to be reasonable and is not opposed on behalf of the defendants.

6. In view of the aforesaid circumstances, the Court deems it appropriate to allow the plaintiff to withdraw the instant civil suit with further liberty to take appropriate steps in terms of the provisions of Section 12-A of the Commercial Courts Act, 2015.

7. With the aforesaid liberty, the instant civil suit stands dismissed as withdrawn along with all pending application(s).

8. It is made clear that, in case, the plaintiff needs to reinstitute a fresh suit, he shall be entitled to the set off the Court fee which has already been paid.

9. Ordered accordingly.

10. The date already fixed i.e. 15.10.2025 before the Joint Registrar stands cancelled.

PURUSHAINDR KUMAR KAURAV, J

JULY 31, 2025

Nc/mj