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

+ CS(OS) 179/2025, I.A.7366/2025, I.A. 7367/2025 & I.A.17846/2025

SHANAYA ABBOT (MINOR) THROUGH HER LEGAL
GUARDIANPlaintiff

Through: Mr. Sanjay Katyal with Ms. Ritika
Bansal, Advocates.

versus

DR VIJAY ABBOT & ORS.Defendants

Through: Mr. Kapil Madan with Ms. Ayushi
Bisht, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **21.08.2025**

1. Mr. Sanjay Katyal, learned counsel appearing for the plaintiff, after perusal of the decision passed by this Court in the case of ***Vipin Wadhwa v. M/s Prashant Enterprises***¹, seeks liberty to withdraw the instant civil suit with liberty to take appropriate remedy in accordance with the provisions under Order XXIII Rule 3A of the Code of Civil Procedure, 1908 (CPC).
2. He, however, submits that the objection regarding maintainability of his application under Order XXIII Rule 3A of the CPC may not be allowed to be raised by the defendants, in the event he resorts to the said remedy.
3. Mr. Kapil Madan, learned counsel appearing for the defendants, unequivocally submits that his application on merit is not maintainable. He, however, submits that there is no question of raising the objection under Order XXIII Rule 3A of the CPC regarding maintainability of the



application itself.

4. In view of the aforesaid, the liberty so prayed for is granted. The plaintiff shall be at liberty to take appropriate steps in accordance with provision under Order XXIII Rule 3A of the CPC.

5. All rights and contentions are left open.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 21, 2025

tr/sp