



\$~O-51

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

+ **CS(OS) 264/2024**

NISHA WADHWANI

.....Plaintiff

Through: Mr.Rajan Sabharwal and Ms.Sakshi
Jain, Advocates.

versus

MALIKA WADHWANI & ANR.

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

%

15.01.2025

I.A. 929/2025 in CS(OS) 264/2024

1. The matter is already fixed for 27.01.2025, and is now taken up on I.A. 929/2025, an application filed on behalf of the plaintiff seeking withdrawal of suit with further liberty to file a fresh suit.
2. Heard learned counsel appearing on behalf of the plaintiff.
3. Learned counsel appearing on behalf of the plaintiff submits that the instant civil suit for partition, possession, and permanent injunction is between the sisters, who are daughters of one late Sh. Tikam Wadhwani.
4. He, then, contends that there is a possibility of an amicable settlement between the parties and therefore, prays for liberty to withdraw the instant civil suit with further liberty to file a fresh suit if the cause still survives.
5. The Court has perused the provisions of Order XXIII Rule 1 of Code



of Civil Procedure, 1908, and finds that if there is sufficient ground for allowing the plaintiff to institute a fresh suit for the subject matter, the suit can be permitted to be withdrawn with liberty to institute it afresh.

6. Having considered the submissions and reasons assigned by learned counsel appearing on behalf of the plaintiff in the instant application, the Court finds that there is sufficient reason to allow the plaintiff to institute a fresh civil suit, in case, the cause still survives.

7. The application bearing no. I.A.929/2025 stands allowed and is disposed of accordingly.

8. With the aforesaid liberty, the instant civil suit bearing no. CS(OS) 264/2024 stands dismissed as withdrawn.

9. The date earlier fixed i.e. 27.01.2025 stands cancelled.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 15, 2025

Nc/mjo