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

+ **CS(OS) 279/2025**

MR SHITIZ GARG

.....Plaintiff

Through: **Mr. Sanjay Kumar, Adv.**

versus

SANJEEV KUMAR GARG & ORS.

.....Defendants

Through: **None**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **15.05.2025**

I.A. 12446/2025 (an application on behalf of the plaintiff under Order XXIII Rule 1 r/w Section 151 of the CPC, 1908)

1. This is an application filed under Order XXIII Rule 1 Code of Civil Procedure, 1908 (CPC) seeking leave to withdraw the present suit.
2. It is stated that, as per the order dated 05.05.2025, the scope of the present suit is now limited to Property No.WZ-95, measuring 100 sq. yds (out of the total measuring 200 sq. yards size 60 X 30), built on plot number G- 86, out of Khasra No.803, situated in the area of village Tihar, now colony known as G-Block, Hari Nagar, New Delhi-110058 (**'Hari Nagar Property'**), and, Industrial property No.174, Block-Z, measuring 95 square yards, situated in the layout plan of Warehousing Scheme, Naraina (Loha Mandi), Naraina, New Delhi-110028 (**'Naraina Property'**).
3. It is stated that, however, as per the market value of the suit properties, the said properties do not fall within the pecuniary jurisdiction of

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this Court.

4. It is stated that in these facts, the plaintiff seeks liberty to withdraw this suit and to approach the Court, having the requisite jurisdiction, for seeking the said relief.

5. In addition, it is prayed that the entire fee be directed to be refunded.

6. The application is allowed.

7. The suit is dismissed as withdrawn with liberty reserved to be exercised in accordance with law.

8. The plaintiff will remain bound by the directions issued on 05.05.2025.

9. Having regard to Section 16 of the Court Fees Act, 1870 and Section 16A of the Court Fees (Delhi Amendment) Act, 2010, since the suit is still at an initial stage and no summons have been issued, 100% Court fee is directed to be refunded within four (4) weeks.

10. The registry is directed to draw up the requisite certificate for refund of the entire court fee, within four (4) weeks from today.

11. Pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J

MAY 15, 2025/msh/AM

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

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