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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1185/2025 & CM APPL. 39914/2025**
SHRI LAL CHAND & ANR.Petitioner

Through: Mr. Deepak Yadav, Advocate
versus

SHRI MANOHAR LAL & ORS.Respondent
Through: Mr. Pawan Kumar Bahl and Ms.
Prakhya Bahl, Advocates for R-1 to
R-26
Mr. Abhinav Singh and Mr. Rishabh
Yadav, Advocates for R-27
Ms. Tajinder Viridi, Standing Counsel
for MCD/R-29

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

% **ORDER**
09.07.2025

CM APPL. 39914/2025 (exemption)

Exemption allowed, subject to all just exceptions.

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1. Petitioners are plaintiffs before the learned Trial Court and their suit is directed against thirty-one defendants including MCD (defendant no. 29).
2. It seems that during the pendency of the aforesaid suit, on account of some agreement between the plaintiffs and alleged main contesting defendant i.e. defendant no. 27, plaintiffs, now, seek to unconditionally withdraw their aforesaid suit.
3. The learned Trial Court has, though, recorded the statements to the aforesaid effect on 09.06.2025 but at the same time, it has kept the matter for

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further consideration for 02.08.2025. Learned Trial Court wants to accord its complete satisfaction with respect to fact whether any relief is being sought against defendant no. 29/MCD or not.

4. Petitioners submit that since they are seeking unconditional withdrawal under Order XXXIII Rule 1 r/w Section 151 CPC, even if, in the suit in question, they had sought some relief against them, it has now no significance, particularly, in view of the facts mentioned in their application moved under Order XXXIII Rule 1 r/w Section 151 CPC.

5. Learned counsel for respondent nos. 1 to 26 and respondent no. 27 appear on advance notice and they have no objection if the suit is directed to be withdrawn unconditionally.

6. Learned counsel for MCD also joins proceedings through *videoconferencing* and submits that if there is unconditional withdrawal, it would not impact MCD either.

7. Learned counsel for petitioners submits that since he has already made specific statement to the effect that the suit is being withdrawn unconditionally, as a necessary corollary, he is not seeking any relief of any kind whatsoever against defendant no. 29/MCD.

8. Be that as it may, the aforesaid aspect can always be highlighted by them before the learned Trial Court on 02.08.2025 and it seems that being unnecessarily apprehensive, the plaintiffs have filed the present petitioner under Article 227 of the Constitution of India.

9. Petition is accordingly disposed of as this Court does not find any direction to be given to learned Trial.

10. However, this Court does expect that on the date fixed i.e. 02.08.2025, learned Trial Court would consider the aforesaid application moved under



Order XXXIII Rule 1 r/w Section 151 CPC and would dispose of the same after according its due satisfaction.

MANOJ JAIN, J

JULY 9, 2025/dr/shs