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

+ **CM(M) 1789/2023& CM APPL. 56777/2023**

M/S MARS ENTERPRISES THROUGH ITS PARTNERS & ORS.

.....Petitioners

Through: Ms. Purva Tyagi, Adv.

versus

**ESSKAY GUEST HOUSE PVT. LTD. THROUGH ITS DIRECTOR
BALBIR SINGH CHHABRA**

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

05.08.2025

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1. Petitioners herein are defending a suit which seeks recovery of arrears of rent and damages.
2. The challenge in the present petition is with respect to order dated 22.09.2023 whereby one application filed by defendants (petitioners herein) has been dismissed.
3. However, at the very outset, learned counsel for petitioners submits that the suit in question was not pursued by the concerned plaintiff before the learned Trial Court and same has already been dismissed on 12.02.2025 by learned District Judge, Commercial Court.
4. Copy of order has also been placed on record which records that since the new Management of plaintiff company is not interested in pursuing the present suit, the same is dismissed for *non-prosecution*. Such order be taken

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on record.

5. In view of above, learned counsel for petitioners submits that though she does not press the present petition, she, at the same time, seeks liberty to revive the same in case the suit in question is, eventually, restored.

6. Resultantly, the present petition is dismissed as not pressed and liberty as prayed for is also granted.

7. Pending application, if any, also stands disposed of in aforesaid terms.

MANOJ JAIN, J

AUGUST 5, 2025/ck/js