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

+ **CS(COMM) 667/2019**

RANDHAWA CONSTRUCTION COMPANYPlaintiff

Through: Mr Naman Saraswat Advocate Mr
Varnit Vashistha Advocates

versus

FERNAS CONSTRUCTION INDIA PVT. LTD. & ANR.

.....Defendants

Through: Mr. K.R. Sasiprabhu, Mr. Vishnu
Sharma and Mohammad Ilyas, Advs
for D-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

17.02.2025

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I.A. 49636/2024 & CS(COMM) 667/2019

1. This application under Order XXIII Rule 1 CPC has been filed by the Plaintiff seeking withdrawal of the instant suit.
2. The present suit is for recovery of a sum of Rs.4,11,98,776/- along with interest @ 18% per annum till the date of realization from the Defendants.
3. It is stated by the learned Counsel for the Plaintiff that a petition under Section 9 of the Insolvency and Bankruptcy Code has been admitted against Defendant No.1 and, therefore, the present suit cannot proceed ahead in light of the Moratorium under Section 14 of the IBC. Learned Counsel for the Plaintiff, therefore, seeks permission to withdraw the present Suit. The



Company's partner Mr. Tarlochan Singh Randhawa, who has joined the proceedings through video conferencing, states that he does not want to pursue the present Suit and, therefore, the Suit be disposed of withdrawn.

4. The Plaintiff has been identified by the learned Counsel for the Plaintiff.

5. Statement of the Plaintiff is taken on record and the Suit is disposed of as withdrawn with liberty to the Plaintiff to approach this Court by filing a fresh suit in case the Petition under Section 9 of the IBC is dismissed by the NCLT.

6. The Suit is disposed as withdrawn, along with the pending applications, if any.

7. The date already fixed, i.e. 28.02.2025, before the Joint Registrar stands cancelled.

SUBRAMONIUM PRASAD, J

FEBRUARY 17, 2025

Rahul