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

+ C.R.P. 224/2025 & CM APPL. 46771/2025

MANISH SETH AND ANR

.....Petitioners

Through: Mr. Shyam Manohar, Advocate.

versus

ANIL GIRDHAR

.....Respondent

Through: Mr. Rajesh Bhatia, Advocate with
respondent on VC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.12.2025

1. The petitioners, who are the defendants in C.S. No. 789/2018, have filed this revision petition against an order of the Trial Court dated 12.03.2025, by which their application under Order VII Rule 10 of the Code of Civil Procedure, 1908, was rejected.
2. One of the grounds taken by the defendant was that the suit relates to a commercial dispute and, therefore, ought to have been filed under the Commercial Courts Act, 2015.
3. After some hearing, Mr. Rajesh Bhatia, learned counsel for the respondent–plaintiff, instructed by the respondent, who is also present via video conference, submits that the civil suit may be dismissed as withdrawn, with liberty to the plaintiff to file a suit under the Commercial Courts Act, 2015, on the same cause of action. However, he seeks refund of the court fees, as also appropriate directions with regard to limitation.



4. The respondent – plaintiff is permitted to withdraw the suit [C.S. No. 789/2018 pending before Tis Hazari Courts] with liberty to file a suit under the Commercial Courts Act, 2015, on the same cause of action. As the suit is being withdrawn due to an error of jurisdiction, the Court fees be refunded, and the plaintiff may also seek the benefit of Section 14 of the Limitation Act, 1963.
5. The petition, alongwith the pending application, is disposed of with these directions.
6. The suit before the Civil Court stands dismissed as withdrawn.

PRATEEK JALAN, J

DECEMBER 4, 2025

SS/JM/