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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1460/2025**
REKHA PODDAR

.....Petitioner

Through: Mr. Kartik Bhardwaj and Ms. Kriti
Sharma, Advocates.

versus

NEW HEIGHTS BUILDCON PVT LTD AND ANR

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **06.08.2025**

CM APPL. 47925/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

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1. The prime grievance in the present petition is with respect to the manner in which the suit has been rejected.
2. The petitioner is plaintiff before the learned Trial Court and his suit was rejected under Order VII Rule 11 CPC by learned Civil Judge-01, Saket on 27.04.2024.
3. Undoubtedly, thereafter a review was also filed which was also dismissed but fact remains that the prime grievance is with respect to rejection of the suit.
4. Such rejection of the suit amounts to decree as per Section 2(2) Civil Procedure Code and, therefore, such order can be challenged by filing appeal

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in terms of Section 96 CPC.

5. While acknowledging the abovesaid legal provision, learned counsel for the petitioner does not press the present petition and seeks to withdraw the same with the liberty to challenge the order dated 27.04.2024 and subsequent order by filing appropriate appeal before Competent Court of jurisdiction.

6. The petition is, accordingly, permitted to be withdrawn.

7. Liberty, as prayed, is granted.

8. All rights and contentions of parties are reserved.

MANOJ JAIN, J

AUGUST 6, 2025/ss/js