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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 18th March, 2025**

+ CM(M) 3251/2024 & CM APPL. 49148/2024
AJAY SHARMA & ANR.Petitioners

Through: Mr. Dhan Mohan, Mr. Ravi Mishra,
Ms. Nikita Jha, Mr. Satyajeet Sharma,
Mr. Sumit Dubey and Ms. Tanisha
Bhatia, Advocates.

versus

SANJAY SHARMA & ANR.Respondents

Through: Mr. Manish Gandhi, Advocate
(through V.C.)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Learned counsel for both the sides submit that the present petition can be disposed of on a very short point.
2. Learned counsel appearing on behalf of respondent/Sanjay Sharma submits that in Civil Suit i.e. CS(OS) 218/2023 *Vijay Kumar Sharma & Another v. Ajay Sharma & Another* Sh. Sanjay Sharma (respondent No.1 herein) had made a statement on oath before this Court on 30.08.2024 whereby he undertook to withdraw all the averments made by him in his application dated 24.07.2023 filed under Order VI Rule 17 CPC in CS SCJ No. 561/2022. He also made a statement that the abovesaid amendment application has though been allowed by the learned Trial Court and was challenged in CM(M) 3251/2024, he would appear before said Court and would concede to the relief sought in said petition so that appropriate orders for setting aside order dated 13.05.2024 can be passed.



3. Sh. Sanjay Sharma had filed a suit which was registered as CS SCJ No. 561/2022. He also filed an application under Order VI Rule 17 CPC seeking amendment in the plaint. Learned Trial Court had allowed the abovesaid application vide order dated 13.05.2024 and same very order is under challenge before this Court.
4. However, in view of the abovesaid statement made by plaintiff Sh. Sanjay Sharma (respondent No.1 herein) before this Court in the abovesaid original suit, which too has been filed by him, learned counsel for respondents concede to the abovesaid position and submit that the present petition may, accordingly, be allowed and order dated 13.05.2024 may be set aside.
5. Copy of the abovesaid order dated 30.08.2024 in CS(OS) 218/2023 has been shown today and the same is made part of the record.
6. In view of the above specific statement made by Sh. Sanjay Sharma (respondent No.1 herein) before this Court in said case and the fact that his counsel, who has appeared today through video conferencing, also submits that the present petition may, accordingly, be allowed, the petition is, hereby, allowed and, resultantly, order dated 13.05.2024 stands set aside.
7. The petition, along with pending applications, if any, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 18, 2025/st/shm