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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1991/2025, CM APPL. 64591/2025 & 64590/2025**

AVTAR SINGH

.....Petitioner

Through: Mr. Sahil Monga, Mr. Lalit Kumar,
Ms. Esha Goel and Ms. Rudrakshi
Gowtam, Advocates.

versus

SUKHWINDER SINGH

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER
14.10.2025

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1. The petitioner/defendant has assailed order dated 05.08.2025 passed by the learned District Judge (West), Tis Hazari Courts, Delhi, whereby learned trial court framed issues. Subsequent to framing of issues, petitioner/defendant filed an application for treating the issues no.1 and 2 as preliminary issues. That application was posted by the learned trial court on the next date of hearing. Since the next date of hearing would be subsequent to completion of trial before the Court Commissioner, the petitioner has approached this court. Broadly speaking, the petitioner/defendant contends that since there was an arbitration agreement, the court ought to have referred the matter to arbitration. On being pointed out that the plea of arbitration agreement was raised only in the amended Written Statement, learned counsel for petitioner seeks permission to withdraw this petition.



2. Accordingly, the petition and the accompanying applications are dismissed as withdrawn.
3. The application for treating the issues no.1 and 2 as preliminary issues shall be decided by the learned trial court in an appropriate manner at appropriate stage without getting influenced by the above order.

GIRISH KATHPALIA, J

OCTOBER 14, 2025/ry