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

+ C.R.P. 301/2025 and CM APPL. 67455/2025 (*for exemption*)

DR PRATIBHA ARYA THROUGH HER POWER OF
ATTORNEY HOLDER SHRI PRANESH GUPTAPetitioner

Through: Mr. Amit Gupta, Mr. Altamish,
Mr. Pritesh Kumar and Ms. Riya
Lal, Advocates.

versus

RUPINDER KUMARI AKA RUPENDRA KUMARI & ANR.

.....Respondents

Through: Ms. Sonali Chopra and Ms. Aeshna
Salwan, Advocates for R1.

Mr. Abhyudaya Shishodia,
Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **30.10.2025**

1. The petitioner, who is defendant No. 2 in a civil suit [CS SCJ 1765/2022: *Rupinder Kumari aka Rupendra Kumar vs. Mohini Bahl & Anr.*] filed by respondent No. 1 herein, assails an order dated 09.05.2024, by which the Trial Court has dismissed an application filed by her under Order VII Rule 11 of the Code of Civil Procedure, 1908 ["CPC"].

2. After some hearing, Mr. Amit Gupta, learned counsel for the petitioner, seeks permission to withdraw the present petition. However, he submits that this would be without prejudice to the petitioner's rights and contentions in the pending suit and the counter claim filed by her, as well as to the petitioner's right to file a fresh application under Order VII



Rule 11 of the CPC, on grounds which were not taken in the application under consideration or decided in the impugned order.

3. I am informed by Ms. Sonali Chopra, learned counsel for respondent No. 1 – the original plaintiff, and Mr. Gupta that respondent No. 1's claim and the petitioner's counter claim are being heard together. They will both request the Trial Court to record common evidence and decide the matters together, subject to respondent No. 1's rights under an application filed by her under Order VII Rule 11 of the CPC.

4. The revision petition, alongwith the pending application, is dismissed as withdrawn, in terms of the aforesaid.

5. At this stage, Ms. Chopra and Mr. Gupta submit that the parties would like to make an effort to resolve their disputes through mediation.

6. I am informed that the suit is next listed before the Trial Court on 04.11.2025. In order to give the parties an opportunity to settle their disputes in the suit as well as in several other litigations between them, the parties are referred to mediation under the aegis of Samadhan, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi – 110503.

7. Mr. Gupta states that the petitioner resides outside India and may, therefore, be permitted to participate in the mediation proceedings through video-conferencing. Respondent No. 1, who is stated to be of advanced age, is also permitted to participate in the mediation proceedings through video-conferencing.

8. Learned counsel for the parties state that they would request the Trial Court to adjourn the proceedings in the suit for a period of at least



one month at the first instance, to enable the parties to make an earnest attempt to resolve their disputes.

9. List before the learned Mediator on 04.11.2025.

OCTOBER 30, 2025
UK/KA/

PRATEEK JALAN, J