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

+ **RFA 1000/2025 & CM APPL. 68389/2025**

SHIV KUMAR SHARMA & ANR.

.....Appellants

Through: Mr. Pawan K. Bahl and Ms. Prakhya Bahl, Advocates.
Mr. Amit Kumar Singh, Mr. Rohit R.,
Mr. Manpreet Kaur, Mr. Santosh Kumar and Mr. Aditya Raj, Advocates.

versus

MANOHAR LAL & ORS.

.....Respondents

Through: Counsel for D-1 to D-26 (appearance not given).
Mr. Deepank Yadav, Advocate for R-27.
R-27 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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03.11.2025

CM APPL. 68390/2025 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

RFA 1000/2025

In the course of hearing, this court has noticed order dated 09.07.2025 made by a Co-ordinate Bench of this court in CM(M) No.1185/2025, the relevant portions of which order read as follows :



“2. It seems that during the pendency of the aforesaid suit, on account of some agreement between the plaintiffs and alleged main contesting defendant i.e. defendant no. 27, plaintiffs, now, seek to unconditionally withdraw their aforesaid suit.

3. The learned Trial Court has, though, recorded the statements to the aforesaid effect on 09.06.2025 but at the same time, it has kept the matter for further consideration for 02.08.2025. Learned Trial Court wants to accord its complete satisfaction with respect to fact whether any relief is being sought against defendant no. 29/MCD or not.

4. Petitioners submit that since they are seeking unconditional withdrawal under Order XXXIII Rule I r/w Section 151 CPC, even if, in the suit in question, they had sought some relief against them, it has now no significance, particularly, in view of the facts mentioned in their application moved under Order XXXIII Rule I r/w Section 151 CPC.

5. Learned counsel for respondent nos. 1 to 26 and respondent no. 27 appear on advance notice and they have no objection if the suit is directed to be withdrawn unconditionally.

6. Learned counsel for MCD also joins proceedings through videoconferencing and submits that if there is unconditional withdrawal, it would not impact MCD either.

7. Learned counsel for petitioners submits that since he has already made specific statement to the effect that the suit is being withdrawn unconditionally, as a necessary corollary, he is not seeking any relief of any kind whatsoever against defendant no. 29/MCD.

8. Be that as it may, the aforesaid aspect can always be highlighted by them before the learned Trial Court on 02.08.2025 and it seems that being unnecessarily apprehensive, the plaintiffs have filed the present petitioner (sic) under Article 227 of the Constitution of India.

9. Petition is accordingly disposed of as this Court does not find any direction to be given to learned Trial (sic).”

2. Furthermore, the impugned judgment/order dated 13.08.2025 itself reads as follows :

“On 09.06.2025 statement of the parties were recorded on oath and matter was kept for seeking clarification for Defendant no.29 i.e. Municipal Corporation of Delhi, i.e. South Zone for 02.08.2025. On 02.08.2025 matter was again re-notify for today at joint request of the parties.



Today, Ld. counsel for Plaintiff has placed on record the copy of the order dated 09.07.2025 of Hon'ble High Court of Delhi in CM (M) 1185/2025 & CM Appl. 39914/2025 case titled as Shir Lal Chand & Anr. Vs. Shri Manohar Lal & Ors.

In the aforesaid order, in para no.7. Ld. Counsel for petitioner (plaintiff herein) has stated that he is not seeking any relief of any kind whatsoever against Defendant no.29/MCD. The relevant para no. 7 and 8 are reproduced herein below for ease of reference :

"7. Learned counsel for petitioners submits since he has already made (sic) specific statement to the effect that suit is being withdrawn unconditionally, as necessary corollary, he is not seeking any relief of any kind whatsoever against defendant no.29/MCD.

8. Be that as it may, the aforesaid aspect can always be highlighted by them before the learned Trial Court on 02.08.2025 and it seems that being unnecessarily (sic) apprehensive, the plaintiffs have filed the present petitioner (sic) under Article 227 of the Constitution of India"

In view of the aforesaid, the present suit stands disposed of as withdrawn."

3. After a detailed hearing in the matter, learned counsel for the appellants seeks leave to withdraw the present regular first appeal, subject to the following clarification: that the withdrawal of the suit bearing CS DJ No.8033/2016 was without prejudice to all rights or contentions of the appellants, who were impleaded as defendant No. 30 and defendant No. 31 in the suit.
4. Upon a conspectus of the submissions made, and after hearing Mr. Pawan Bahl, learned counsel appearing for defendants Nos. 1 to 26, and learned counsel appearing for defendant No. 27, this court is of the view that after what has transpired in court, it is not necessary to await the hearing of defendant No. 28 (the Sub-Registrar of



Assurances) or the plaintiff, since the latter has already withdrawn the suit in the terms as recorded in order dated 09.07.2025 passed by the Co-ordinate Bench of this court; and judgment/order dated 13.08.2025 passed by the learned trial court.

5. Accordingly, the present appeal is disposed-of as withdrawn, clarifying what has been noted in para 3 above.
6. Pending applications, if any, also stand disposed-of.
7. Needless to add, that any proceedings pending between one or more of the parties to the suit, as well as any proceedings that may subsequently come to be filed by the appellants or by any other party, would be decided on their own merits; and the disposal of the present appeal would be without prejudice to all rights and contentions of any of the parties, *except* the plaintiff in CS DJ No.8033/2016 titled ***Lal Chand Vs. Manohar Lal & Ors.***

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 3, 2025/ak