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

+ **CS(OS) 34/2025 & I.A. 1325/2025, 11531/2025**

SHAMSUL BASHAR SIDDIQUEPlaintiff
Through: Mr. Ali Chaudhary, Advocate
(Through VC)

versus

MOHAMMAD TABREZ & ORS.Defendants
Through: Mr. Sarfaraz Khan, Advocate for D-3

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **27.05.2025**

Withdrawal of suit qua defendant no. 3

1. Learned counsels for the plaintiff and defendant no. 3 jointly state that plaintiff and defendant no. 3 have entered into a settlement agreement.
2. Learned counsel for the plaintiff states that in view of the said settlement, the plaintiff seeks liberty to delete defendant no. 3 from the array of parties.
3. Accordingly, at request of the plaintiff, defendant no. 3 is hereby deleted from the array of parties. Consequently, the suit qua defendant no. 3 is unconditionally dismissed as withdrawn.

Proceedings qua defendant nos. 1 and 2

4. This Court vide order dated 20.03.2025 have observed that no steps have been taken by the plaintiff to serve defendant nos. 1 and 2.
5. A final opportunity was granted to the plaintiff on 20.03.2025 to take steps for service on defendant nos. 1 and 2. However, the subsequent order



of Ld. Joint Registrar on 15.05.2025 records that plaintiff failed to take steps for issuance of summons on defendant nos. 1 and 2.

6. A perusal of the Court record including order dated 20.01.2025, 20.03.2025 and 15.05.2025 shows that plaintiff has wilfully failed to take steps for service on defendant nos. 1 and 2.

7. The suit is accordingly dismissed for non-prosecution against defendant nos. 1 and 2, in terms of Order IX Rule 2 CPC.

8. Pending applications stand disposed of.

9. Interim order stands vacated.

10. Future dates stand cancelled.

MANMEET PRITAM SINGH ARORA, J

MAY 27, 2025/rhc

[Click here to check corrigendum, if any](#)