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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2452/2025, CM APPL. 80371/2025 & 80372/2025**

VIJAY KUMAR

.....Petitioner

Through: Mr. Arvind Kumar and Ms. Sneha
Upadhyay, Advocates

versus

SURAJ & ORS.

.....Respondents

Through: None

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **19.12.2025**

1. Petitioner/plaintiff has assailed order dated 26.09.2025 of the learned trial court, whereby defendants no. 1, 2(d), 4 and 5 (a) were allowed to lead evidence in defence to the suit. It appears that the said defendants filed Written Statement belatedly with application under Order VIII Rule 1CPC, but the said application remained not decided. At the same time, the petitioner/plaintiff also filed a replication and on the basis of defence pleaded in the said Written Statement, even issues were framed. The learned trial court took a view that in such circumstances, the said defendants cannot be deprived an opportunity to lead evidence.
2. Under these circumstances, after addressing partly, learned counsel for petitioner/plaintiff, on instructions, seeks permission to withdraw this petition.



3. As requested, the petition and the accompanying applications are dismissed as withdrawn.

GIRISH KATHPALIA, J

DECEMBER 19, 2025/as