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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2497/2025, CM APPL. 81655/2025 & CM APPL. 81654/2025**

SHRI SUKHESH CHAND GUPTAPetitioner

Through: Mr. Tarun Agarwal, Advocate
(through videoconferencing).

versus

DR. SUDESH RATTAN & ORS.Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

23.12.2025

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1. Petitioner/plaintiff has assailed order dated 03.10.2024 of the learned trial court, whereby application under Order VII Rule 11 CPC filed by the respondents was dismissed. The petitioner/plaintiff has challenged the impugned order only to the limited extent where the learned trial court took a view that the rate of rent in the present case would be a matter of trial in order to consider whether the service tax formed part of the rent.
2. Learned counsel for petitioner/plaintiff submits that subsequent to the impugned order, he initiated fresh proceedings through fresh notice, upon enhancement of rate of rent. Therefore, on instructions, learned counsel for petitioner/plaintiff, seeks permission to withdraw this petition with liberty to raise all arguments, as raised in the present petition in the suit to be subsequently filed.



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 As requested, the petition and the accompanying applications are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

DECEMBER 23, 2025/dr