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

+ W.P.(C) 11638/2018

M/S S.P. ANURAG KHATTAR AND ORS.Petitioners

Through: Mr. Gaurav Sharma, Senior Advocate
with Mr. Jayant Mohan, Mr. Nilesh Kumar, Mr.
Dhawal Mohan, Ms. Adyashree Dutta and Ms.
Dorjee Ongmu Lachungpa, Advocates.

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Mukul Singh, CGSC with Ms. Ira
Singh, Mr. Aryan Dhaka, Advocates for UoI.

17

+ W.P.(C) 13154/2018

VENDORS SAHKARI SAMITI LTD. BAREILLY JUNCTION &
ORS.Petitioners

Through: Mr. Gaurav Sharma, Senior Advocate
with Mr. Jayant Mohan, Mr. Nilesh Kumar, Mr.
Dhawal Mohan, Ms. Adyashree Dutta and Ms.
Dorjee Ongmu Lachungpa, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Mukul Singh, CGSC with Ms. Ira
Singh, Mr. Aryan Dhaka, Advocates for UoI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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21.11.2025

CM APPL. 26541/2025 (Exemption) in W.P.(C) 11638/2018

CM APPL. 26293/2025 (Exemption) in W.P.(C) 13154/2018

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.



CM APPL. 26540/2025 in W.P.(C) 11638/2018

CM APPL. 26292/2025 in W.P.(C) 13154/2018

3. These applications are filed by Petitioner No. 7 in W.P.(C) 11638/2018 and Petitioner No. 1 in W.P.(C) 13154/2018 under Section 151 CPC for recall of order dated 30.01.2025 passed by this Court on the ground that the order was passed by the Court under the mistaken belief that counsel for the Applicant wanted to withdraw the petition. This is contrary to the actual fact that the Applicant had instructed his counsel to proceed with the matter and it is trite that no counsel can make a statement without instructions from the client.

4. It is stated in the applications that these writ petitions were heard along with other connected writ petitions and without instructions, counsel withdrew the writ petitions and failed in his duty. *Sans* instruction from the Applicant to withdraw, the statement of the counsel recorded in the order expressing his intention to withdraw the writ petitions is meaningless and has no force of law. It is also stated that the Applicant is poor and illiterate engaged in small time vending and catering at Railway platforms and was not aware of the legal consequences of the statement made by the counsel on 30.01.2025 and sought advice later from another counsel, who suggested that the writ petitions ought to have been argued on merits and basis this advice, the present applications for recall of the order were filed. Reliance is placed by the Applicant on the judgment of the Supreme Court in ***Budhia Swain and Others v. Gopinath Deb and Others, (1999) 4 SCC 396*** to urge that a Court may recall an order made by it *inter alia* if there has been a mistake of the Court prejudicing a party.

5. Heard learned Senior Counsel for the Applicant.



6. Order dated 30.01.2025 clearly reflects that on an objection being taken by the Respondents to the maintainability of the writ petitions on the ground that there existed an arbitration clause in all Licence Agreements executed between the parties, counsels for the Petitioners, on instructions, sought to withdraw the writ petitions with liberty to take recourse to appropriate proceedings. Had the Applicant or his counsel made a submission resisting the withdrawal of the writ petitions, there was no occasion for the Court to permit withdrawal. Significantly, even in the present applications, Applicant does not state that no statement was made to withdraw the writ petitions and the case set up is that the Applicant did not instruct his counsel to withdraw the writ petitions and the statement was made by the counsel on his own accord. Interestingly, contradicting the stand in the applications itself, Applicant submits that being a poor and illiterate person, he was unable to understand the legal consequences of withdrawal and on subsequent legal advice filed the present applications for recall. To my mind, filing of these applications is a mischievous attempt to seek a recall of the order, which was passed on instructions from the Applicant. This kind of practice of putting the blame on counsels must be deprecated and discouraged.

7. I find no reason to recall order dated 30.01.2025 and the applications are dismissed.

JYOTI SINGH, J

NOVEMBER 21, 2025/RW/AK