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

+ RFA(COMM) 207/2026 CM APPL. 22452/2026, CM APPL. 22453/2026, CM APPL. 22454/2026

M/S KLINK INDIA REALITY ASSOCIATE PVT. LTD & ORS.

.....APPELLANTS

Through: Mr. Pratap Singh Ahluwalia and Mr. Anish Singh, Advs.

versus

M/S S.K. ENTERPRISES

.....RESPONDENT

Through: Mr. Shashank Dutt Vashishth, Adv.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

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08.04.2026

1. We have heard rival counsel for some time and perused the impugned order passed by the Commercial Court on 22.11.2025.
2. After arguing for some time, Mr. Shashank Dutt Vashishth, learned counsel for the respondent/plaintiff sought leave to withdraw his application which the plaintiff had filed under Order XIII A Rule 3 of Civil Procedure Code before the Commercial Courts.
3. Learned counsel however, submitted that the Trial Court be directed to decide the plaintiff's claim *qua* this amount (Rs.2,93,059.76/-) after recording the evidence at the time of final decision of the suit.
4. The respondent/plaintiff is allowed to withdraw the application.
5. The application is dismissed as withdrawn.
6. Consequently the impugned order dated 22.11.2025 passed in C.S.



(Comm) No. 3867/2024 under Order XIII A of the code is hereby quashed and set aside.

7. Needless to observe that we have set aside the impugned order as learned counsel for the respondent/plaintiff has withdrawn the application and we have not recorded any finding on the merit of the case. The Court shall therefore, be free to pass appropriate order *qua* the contentious amount in accordance with law.

DINESH MEHTA, J

VINOD KUMAR, J

APRIL 8, 2026/ss