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

+ **CS(OS) 229/2025 & I.A. 520/2026**

M/S SUPER DISCO ISPAT PVT LTD.

.....Plaintiff

Through: Mr. Vedit Gupta and Mr. Trivesh
Sharma, Advocates
Mob: 9555447463

versus

M/S RAVI AND SINGH COMMUNICATION

.....Defendant

Through: Mr. Rishi Raj Sharma, Mr. Subhash
Chand, Ms. Katyayani Shekhar,
Advs. (Through VC)
Mob: 9650140864
Email: rarylegal@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

09.01.2026

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I.A. 520/2026

1. The present application has been filed on behalf of the plaintiff under Order XXIII Rule 1(3), read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking withdrawal of the suit.
2. Learned counsel appearing for the plaintiff submits that the captioned suit has been filed by the plaintiff seeking recovery of money and damages.
3. It is further submitted that the present suit is at an initial stage and the summons in the suit are yet to be issued to the defendant, though, defendant has been duly represented on advance service.
4. Learned counsel appearing for the plaintiff submits that the



transactions in question in the present civil suit pertain to two Agreements to Sell dated 25th July, 2020 and 01st September, 2020 with regard to industrial plots, which by their very nature and usage, fall within the ambit of commercial transactions. Thus, the present suit has been inadvertently and due to oversight instituted as an ordinary civil suit, though the subject matter squarely falls within the jurisdiction of the Commercial Courts Act, 2015 (“Commercial Courts Act”).

5. It is submitted that the defendant herein had also earlier filed a suit being *CS(OS) 48/2021*, seeking recovery of money arising out of the same transaction. Subsequently, *vide* order dated 19th August, 2025, this Court allowed the defendant to withdraw the said suit, pursuant to which, the defendant has now filed a commercial civil suit, being *CS (COMM.) 836/25*, which is pending adjudication before the District Judge, Commercial Court, North-West, Rohini, Delhi.

6. Thus, it is submitted that the present application has been filed seeking withdrawal of the present suit, in order to institute a fresh civil suit as a commercial civil suit.

7. Responding to the present application, learned counsel appearing for the defendant puts in appearance, on advance notice.

8. Learned counsel appearing for the defendant submits that the benefit of the full period from the institution of the suit till today, ought not to be granted to the plaintiff, in terms of Section 14 of the Limitation Act, 1963 (“Limitation Act”). He submits that the plaintiff got to know about the legal position at least from 19th August, 2025, when the order was passed in civil suit filed by the defendant, i.e., *CS(OS) 48/2021*.

9. In response, learned counsel appearing for the plaintiff submits that



after the passing of the order dated 19th August, 2025 in the suit of the defendant, the present suit has not been taken up for hearing, on account of paucity of time. He, thus, submits that the present application has been filed for withdrawal today.

10. Considering the submissions made before this Court, the request of the plaintiff is accepted. The present suit is allowed to be dismissed, as withdrawn, with liberty to file a fresh suit as a commercial civil suit.

11. However, liberty is granted to the defendant to raise objection with regard to grant of benefit of the time period spent during the pendency of the present suit before this Court, in appropriate proceedings.

12. Considering the fact that in the suit of the defendant also, at the time of allowing withdrawal of the said suit, entire Court Fee was allowed to be refunded, this Court in terms of the order passed by the Predecessor Bench of this Court allows return of the entire Court Fee to the plaintiff.

13. Accordingly, the Registry is directed to issue a Certificate of Refund of the Court Fee to the plaintiff, in terms of the Rules.

14. With the aforesaid directions, the present suit is dismissed as withdrawn. The pending application is also disposed of.

15. The next date of 12th March, 2026, stands cancelled.

MINI PUSHKARNA, J

JANUARY 9, 2026/SK