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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(OS) 313/2022**

**SMT. SANDHYA AGARWAL**

**.....Plaintiff**

Through: **Mr. L. K. Singh, Mr. Raj Kumar, Mr. Nitin Singh Kathayat, Advs.,**

**versus**

**SHRI RAJIV KUMAR & ORS.**

**.....Defendants**

Through: **Mr. Abhishek Bansal, Mr. Sumit Kariwal, Advocates for D-1**  
**Mr Rishabh Kapur, Mr Tanmay Gupta, Advocates for Defendant No 2&3**

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

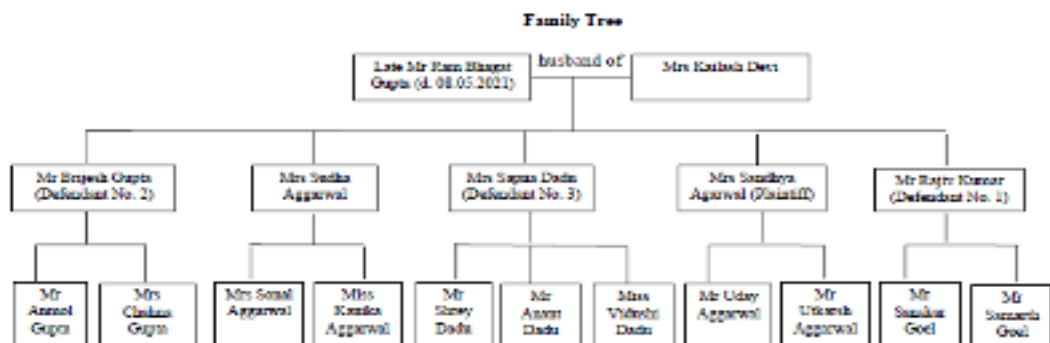
**ORDER**

**18.03.2026**

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**I.A. 32869/2025**

1. This Application has been filed by the Plaintiff seeking permission to withdraw the present Suit.
2. The present Suit is one for partition of the estate of Shri Ram Bhagat Gupta, who is the father of the Plaintiff and the Defendants herein.
3. Before proceeding ahead, for the sake of convenience, it is pertinent to produce the family tree of the family. The family tree is as under:





4. It is stated that Shri Ram Bhagat Gupta passed away on 08.05.2024 leaving behind his wife – Mrs. Kailash Devi, and five children. It is stated that Mrs. Kailash Devi also later passed away.
5. In the Written Statement, Defendants No.2 & 3 have supported the case of the Plaintiff who also claims for partition of the estate. Learned Counsel appearing for Defendants No.2 & 3 state that since Defendants No.2 & 3 support the case of the Plaintiff, they should be permitted to file a fresh Suit claiming partition of the Suit Property being, DDA SFS Flat No. 105A, Block BW, Shalimar Bagh, Delhi, and for other consequential reliefs. Learned Counsel for the Defendants No.2 & 3 has drawn the attention of this Court to the Order dated 20.05.2022 by which this Court had directed the Defendant No.1, who is in possession of the Suit Property, to maintain *status quo* in respect of the title and possession of the Suit Property.
6. It is stated by the learned Counsel for Defendant No.1 that Defendant No.1 shall not alienate the Suit Property for eight weeks from today, giving ample time to the Defendants No.2 & 3 to file fresh Suit(s).
7. Statement of the learned Counsel for the Defendant No.1 is taken on record.
8. For the reasons stated in the application, the same is allowed.
9. The present suit is dismissed as withdrawn, along with the pending applications, if any.
10. Liberty is given to the Defendants No.2 & 3 to file fresh Suit(s) claiming such reliefs as may be permissible in law.

**SUBRAMONIUM PRASAD, J**

**MARCH 18, 2026/Rahul**