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

+ C.R.P. 201/2025 & CM APPL. 42583/2025

SUBHASH CHANDRA AGGARWAL & ORS.Petitioners

Through: Mr. Rajiv Kumar and Mr. Shambhu
Nath Singh, Advs.

versus

M/S.DAFFODIL SOFTWARE PVT.LTD & ORS.Respondents

Through: Mr. Samiron Borkataky and Ms.
Sanskriti Shrimali, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **16.03.2026**

1. Counsel for petitioner seeks to withdraw this petition, with liberty to move an appropriate application under *Order VII Rule 10* of the Code of Civil Procedure 1908 [**CPC**] for return of plaint.
2. It is noticed that the Trial Court, in this impugned order dated 05th June 2025, mentioned that the plea related to territorial jurisdiction and issue of limitation are mixed questions of law and fact.
3. However, in the opinion of this Court, this aspect of territorial jurisdiction ought to have been considered in an appropriate application under *Order VII Rule 10* CPC for return of plaint, where all pleas by defendants can be raised and suitably countered by plaintiff.
4. Accordingly, the petition is dismissed as withdrawn, with liberty to file an appropriate application.
5. Liberty granted.



6. The Court has not expressed any opinion on the merits of the matter.
7. Pending applications, if any, are rendered infructuous.
8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 16, 2026/MK/tk