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

+ **CS(COMM) 897/2024**

HELL ENERGY MAGYARORSZAG KFT & ANR.....Plaintiffs

Through: Mr. Nihit Nagpal, Ms. Livya P. Lalu,
Mr. Vikrant Rana and Ms. Lucy Rana,
Advocates.

versus

AGGARWAL DEPARTMENTAL STORE & ORS.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **28.04.2026**

CS(COMM) 897/2024 & I.A. 11901/2026 (Seeking withdrawal of the suit)

1. This is an application under Section 151 of the Code of Civil Procedure, 1908, seeking withdrawal of the present suit.
2. Learned counsel for the applicant/plaintiff states that the last batch of Energy Coffee Latte powered by Hell Energy Coffee Cans has already expired and on that basis, the plaintiff seeks to withdraw the present suit.
3. He also states that the market survey has indicated that this product is no longer available or circulating in the market. Thus, on that count too, the plaintiff seeks to withdraw the present suit.
4. It has been informed that none has been appearing for the defendant for the last two or three dates of hearing. Even today, nobody appears for the defendant.
5. In view of the above and on the basis of the averments made in the application, the application is allowed and the suit is permitted to be withdrawn.



6. Accordingly, the suit is dismissed as withdrawn.
7. The next date of hearing before the Joint Registrar (Judl.) i.e. 28.07.2026 stands cancelled.
8. Learned counsel for the plaintiffs requests for refund of Court Fees.
9. However, upon perusal of the provisions under Section 16 of the Court Fees Act, 1870, it appears that it restricts the benefit to suits which are disposed of as settled.
10. List on 11.05.2026 for clarification on the aforesaid aspect.

TUSHAR RAO GEDELA, J

APRIL 28, 2026

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