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

+ C.R.P. 324/2025

SMT. MITHLESH

.....Petitioner

Through: Ms. Eshna Kumar, Mr. Vikrant Ballav
Sharan, Advs. (through VC).

versus

MD. IRSHAD QURESHI

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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23.01.2026

1. This petition has been filed assailing the impugned order dated 11th September 2025, passed by the Senior Civil Judge-cum-Rent Controller, South East, Saket Courts, New Delhi, in **CS SCJ 1009/2023** titled "**Mohd. Irshad Qureshi v. Smt. Mithlesh & Ors.**"
2. A suit was filed by respondent (*original plaintiff*) against the various defendants where the petitioner was arrayed as defendant no.1.
3. The suit was withdrawn in terms of statement made by plaintiff on 16th May 2025, that the matter had been settled. Neither the terms of statement of settlement were recorded nor was defendant no. 1 was represented on that day.
4. Petitioner contended that no settlement has been reached with plaintiff and, therefore, sought modification of order dated 16th May 2025.
5. This was rejected by the impugned order, stating that the suit was dismissed as withdrawn in view of a separate statement made by plaintiff, and there was no prejudice caused to petitioner if the plaintiff chose to withdraw



the suit.

6. The Court does not find any infirmity in the order to the extent that respondent/plaintiff indeed has chosen to withdraw the suit unconditionally, no evidence of settlement has been placed on record and was in the absence of the petitioner. Therefore, it cannot be presumed that there is a binding settlement between the petitioner and respondent. The withdrawal would be treated as simpliciter withdrawal, notwithstanding the reasons given by the plaintiff for the withdrawal, considering that petitioner/defendant no. 1 was not present to confirm any such settlement. The factum of settlement was not confirmed by the Trial Court.

7. Accordingly, it is to the peril and risk of respondent/plaintiff that they sought to withdraw the suit, and there is no prejudice caused to petitioner/defendant no. 1.

8. Petition is accordingly disposed of with above observations. Pending applications, if any, are rendered infructuous.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 23, 2026/ak