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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1594/2023**

M/S SIKKA PROMOTERS PVT. LTD

..... Petitioner

Through: Mr. R. M. Sinha, Mr. P.M. Sinha, Ms.
Namita Sinha and Ms. Nandini Harsh,
Advocates

versus

M/S LIFE INSURANCE CORPORATION OF INDIA

..... Respondent

Through: None.

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
31.10.2023

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1. The Petitioner before this Court is the plaintiff, who had earlier instituted an ordinary civil suit before the Additional District Judge, Shahdara, Karkardooma Court, Delhi ('Civil Court') which was numbered as CS no. 763/2019.
2. The said suit was thereafter transferred to be heard and tried by the District Judge, Commercial Court-02, Shahdara Karkardooma Court, Delhi i.e., concerned Commercial Court and was accordingly renumbered as CS (Commercial) no. 479/2019.
3. During pendency of the proceedings before the concerned Commercial Court, the Petitioner i.e., plaintiff filed an application under Order 23 Rule 1 Code of Civil Procedure, 1908 ('CPC') on 31.01.2023 seeking unconditional leave of the Court for effecting simplicitor withdrawal



of the said suit. The application was allowed by the concerned Commercial Court in terms of the prayers made by the Petitioner herein i.e., plaintiff.

4. The concerned Court while allowing the said application as per the prayers made by the Petitioner directed the plaintiff to compensate the Respondent i.e., defendant by payment of costs of Rs. 25,000/-.

5. The learned counsel for the Petitioner herein seeks time to take instructions if the said costs as imposed have been remitted to the Respondent. He is directed to also file a certified copy of the application filed under Order 23 Rule 1 CPC within four (4) weeks.

5.1. He states that the present petition has been filed for impugning more specifically the order dated 26.07.2022 whereby the suit was initially transferred from the Civil Court to the concerned Commercial Court.

6. List for consideration on 31.01.2024.

OCTOBER 31, 2023/rk

MANMEET PRITAM SINGH ARORA, J

[Click here to check corrigendum, if any](#)