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

+ CS(COMM) 538/2021, I.A. 14025/2021, I.A. 15400/2021, I.A. 18/2022,
I.A. 2663/2022, I.A. 6068/2022, I.A. 10428/2022 & I.A. 19432/2022

CONTINENTAL ENGINES PRIVATE LIMITEDPlaintiff

Through: Mr. Neeraj Yadav, Mr. Hansdeep
Singh, Mr. Digvijay, Mr. Aman Tiwari
and Mr. Dharmendra Prasad,
Advocates.

versus

DR DARYAO SINGH KHATRI & ORS. ...Defendants

Through: Mr. Rajiv Kumar Choudhary,
Advocates for D-1 & 2.
Ms. Archana Sahadeva and Mr. Harshit
Bhoi, Advocates for D-3.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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16.04.2026

I.A. 40604/2024 (O/b of D-1 and D-2 for summary judgement)

1. After some arguments, Mr. Rajiv Kumar Choudhary, learned counsel appearing for applicant/defendant nos.1 & 2 seeks permission to withdraw the application under Order XIII-A of the Code of Civil Procedure (hereinafter referred as 'CPC'), 1908 as applicable to the commercial suits without prejudice to his rights and contentions and seeks liberty to file a fresh application under the provisions of Order XIII-A of the CPC.
2. Mr. Neeraj Yadav, learned counsel appearing for the plaintiff has no objection subject to his rights remaining reserved while raising objections against the said application which is intended to be filed.
3. In view of the above, this application is dismissed as withdrawn with the liberty so sought granted.



I.A. 19432/2022 (u/S. 151 of CPC)

4. This is an application under Section 151 of the Code of Civil Procedure, 1908, filed on behalf of the applicant-defendant nos.1 and 2, seeking permission to file counter claim on behalf of defendant nos.1 & 2.

5. After some arguments, Mr. Rajiv Kumar Choudhary, learned counsel appearing for defendant nos.1 & 2 seeks some further time to assist this Court on law.

6. Accordingly, list on 27.04.2026 in the 'Supplementary List' for consideration of I.A. 19432/2022.

TUSHAR RAO GEDELA, J

APRIL 16, 2026

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