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

+ **CS(OS) 629/2025 & I.A. 7705/2026**

EXCLUSIVE CAPITAL LIMITED

.....Plaintiff

Through: Mr. Manav Goyal, Ms. Amrita Sony
and Ms. Ritika Gusain, Advs.

Mob: 7903555941

Email: amrita@asvlawoffices.com

versus

MR OM PRAKASH SAMBARIA

.....Defendant

Through: Mr. Sambit Nanda and Ms. Sanskriti
Bansal, Advs. (Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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24.03.2026

I.A. 7705/2026

1. The present application has been filed under Order XXIII Rule 1, read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the plaintiff, seeking leave of this Court to withdraw the present suit, with liberty to file the suit afresh, with the same cause of action.
2. Learned counsel appearing for the plaintiff submits that the present suit suffers from certain procedural and jurisdictional defects. He, thus, seeks to withdraw the present suit with liberty to file another suit.
3. Issue notice. Notice is accepted by learned counsel appearing for the defendant. He submits that though principally he has no objection to withdrawal of the present suit, however, rights and contentions of the



defendant to the maintainability of any suit that may be filed by the plaintiff in future, be reserved.

4. Accordingly, the present suit is dismissed as withdrawn, with liberty to file a fresh suit on the same cause of action.

5. Needless to state, in case, any such fresh suit is filed, the right of the defendant to raise any objection with regard to maintainability of the said suit is kept open.

6. The pending applications also stand disposed of.

7. The next date of 01th April, 2026 stands cancelled.

MINI PUSHKARNA, J

MARCH 24, 2026/SK