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

+ **CS(OS) 438/2016 & I.A. 16302/2022, I.A. 31378/2025**

SH. SURENDRA KUMAR GUPTA

.....Plaintiff

Through: Mr. Manoj Harit, Mr. Pranjal Kishore
and Mr. Nagarjun Sahu, Advs.

versus

SH. ASHOK KUMAR GUPTA AND ORS

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **16.12.2025**

O.A. 230/2025

1. The present appeal under Rule 5, Chapter II of the Delhi High Court (Original Side) Rules, 2018 has been filed by the Plaintiff for setting aside the Order dated 17.10.2025 passed by the learned Joint Registrar in I.A. No. 7953/2023 in CS (OS) 438/2016.
2. Learned Counsel for the Plaintiff seeks permission to withdraw the present appeal with liberty to file an appeal at an appropriate stage.
3. Leave and liberty is granted.
4. The present appeal is disposed of as withdrawn.

I.A. 31377/2025

1. The present application under Section 5 of the Limitation Act read with Section 151 of the CPC has been filed by the Plaintiff seeking condonation of delay in filing O.A. 230/2025.



2. In view of the O.A. 230/2025 being withdrawn by the Plaintiff, hence, the present application has rendered infructuous.

3. In view of the above, the present application is disposed of as infructuous.

I.A. 16949/2025

1. The present application under Order XVIII Rule 17 read with Section 151 of the CPC has been filed by the Defendants for recalling the Plaintiff witness for further cross-examination.

2. Issue notice.

3. Learned Counsel for the Plaintiff is directed to file a reply before the next date of hearing.

4. List on 02.02.2026.

SUBRAMONIUM PRASAD, J

DECEMBER 16, 2025

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