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

+ CS(OS) 1710/2014 and IAs No.13191/2014 & 21714/2014

ARVIND SINGHAL & ORS ..... Plaintiffs  
Through : Mr. Raman Duggal, Advocate

versus

PLAYFUL MINDS ENRICHMENT LTD & ORS ..... Defendants  
Through : Mr. Pravin K. Jain, Advocate for D-1.

**CORAM:  
HON'BLE MS. JUSTICE HIMA KOHLI**

**ORDER**  
% **17.04.2015**

**I.A. No.7362/2015 (by the plaintiffs u/O XXIII R-1 CPC)**

1. The present application has been filed by the plaintiffs praying *inter alia* for leave to withdraw the suit with liberty to initiate appropriate legal proceedings against the defendants, on a fresh cause of action, in accordance with law.

2. Learned counsel for the plaintiffs states that at the time of instituting the present suit on 27.5.2014, the plaintiffs had prayed for the relief of declaration, permanent and mandatory injunction against the defendants and after the written statement came to be filed by the defendant No.1, it had transpired that the defendant No.3/SDMC had registered the said defendant on 28.5.2014 and by virtue of the said

registration, defendant No.1 is entitled to run a play school in the subject premises, under MPD 2021. He states that in view of the said facts coming to the knowledge of the plaintiffs along with the subsequent events, as mentioned in the present application, a fresh cause of action has arisen and as the suit is at the nascent stage of completion of pleadings, the plaintiffs seek leave to withdraw the same, while reserving their right to file a substantive legal proceeding against the defendants, in accordance with law.

3. Counsel for the defendant No.1 states that he does not have any objection to the present application being allowed.

4. Despite service of advance copies of the application on the counsel for the remaining defendants, none is present on their behalf. It is therefore assumed that they do not wish to oppose the present application.

5. The application is accordingly allowed and the suit is dismissed as withdrawn, along with the pending applications, with liberty granted to the plaintiffs to initiate fresh legal proceedings against the defendants on a fresh cause of action, as noted above.

6. File be consigned to the record room.

**APRIL 17, 2015**  
sk  
**CS(OS) 1710/2014**

**HIMA KOHLI, J**

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