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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 37/2014 & CM Nos.5394-95/2014**
BARAN SINGH

..... Appellant
Through Mr. Sanjay Sharma, Adv.

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents
Through Mr. Manjeet Singh Chauhan, Adv. for
R-2 to 4.

CORAM:
HON'BLE MR. JUSTICE KAILASH GAMBHIR
HON'BLE MR. JUSTICE I.S. MEHTA

ORDER
16.04.2015

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Mr. Manjeet Singh Chauhan, Advocate enters appearance on behalf of the respondent Nos.2 to 4. Counsel for the respondent Nos.2 to 4 has raised a preliminary objection to the very maintainability of the appeal. Counsel submits that the present appeal filed by the appellant challenging the order dated 20.11.2013 passed by the learned Family Court under Section 125 Cr.P.C. is not maintainable in view of the Division Bench judgment of this Court in the case of *Manish Aggarwal v. Seema Aggarwal & Ors.* We find merit in the objection raised by the counsel for the respondent Nos.2 to 4. We have also perused the Division Bench judgment of this Court dated 13.09.2012 reported in 192 (2012) DLT 714 (DB).

In view of the above settled legal position, counsel for the appellant seeks to withdraw the present appeal with liberty to challenge the said order

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by filing a revision. Reserving the said liberty, the present appeal is dismissed as withdrawn.


KAILASH GAMBHIR, J


I.S. MEHTA, J

APRIL 16, 2015
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