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

+ CS(OS) 2135/2014 and I.A.No.13269/2014

OMWATI & ORS. Plaintiffs

Through: Mr. Paritosh Kumar, Advocate

versus

POORAN SINGH & ORS. Defendants

Through: Mr.N.S.Dalal, Advocate for D-1 & D-2

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **24.09.2015**

IA No.19143/2015 (by P-3 & 4 u/O XXIII R-1 CPC for withdrawal of the suit)

1. The present application was listed on 11.9.2015, on which date, counsel for the defendants No.1 & 2 was present and had stated that he did not wish to file a reply in opposition thereto.
2. Mr.Dalal, learned counsel for the defendants No.1 & 2 confirms the said position even today and states that he has no objection to the application being allowed.
3. As for the defendants No.3 to 8, despite service on the said defendants, they have not been appearing. In fact, on 20.7.2015, it was observed that they were liable to be proceeded ex-parte, though no specific order was passed in that regard.
4. As for the defendants No. 9 & 10, counsel for the plaintiffs was directed to give a written intimation of the next date of hearing to the counsel for the said defendants and place on record proof of intimation.

5. Counsel for the plaintiffs states that intimation of the next date of hearing has been conveyed on 18.9.2015 to Mr. M.L. Ram, counsel for the defendants No.9 & 10 through speed post, and a copy thereof has been filed under the index dated 18.9.2015. Despite the same, none is present on behalf of the said defendants.

6. It is therefore assumed that the defendants No.3 to 10 do not wish to contest the present application as they are unrepresented even today. Mr.Dalal clarifies that the plaintiffs No.1 & 2 had sought deletion of their names from the memo of parties on the ground that they do not have any interest in the suit premises and instead, they were impleaded as defendants No.11 & 12.

7. In view of the submission made by the counsel for the plaintiffs to the effect that they do not wish to pursue the present suit any further and seek unconditional leave to withdraw the same, leave as prayed for is granted. The application is allowed and disposed of. The suit is disposed of, along with pending application.

8. The date fixed before the Joint Registrar, stands cancelled.

File be consigned to the record room.

HIMA KOHLI, J

SEPTEMBER 24, 2015/mk