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

+ CS(OS) 2399/2013

SONU HAMADE & ANR Plaintiffs

Through : Ms. Aastha Dhawan, Adv.

versus

KULDIP SINGH & ORS

..... Defendants

Through : Mr. Avinash Sharma and Mr. Rohit
Gandhi, Advs. for D-1 & 2.

Mr. Anshu Mahajan and Mr. Mr.
Karan Arora, Advs. for D-3.

Mr. Vinay Kumar, Adv. with Mr.
Subhash Kumar, Assistant Manager
of D-4/Indian Bank.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.08.2015

Plaintiff no.2 has died. Plaintiff no.1 is daughter of plaintiff no.2 and defendant no.1 is father of the plaintiff no.1 and husband of plaintiff no.2. Defendant no.2 is brother of plaintiff no.1. Plaintiff no.1 has already filed a suit for partition being CS(OS) No.1209/2014. Learned counsel for the defendant no.3 submits that Conveyance Deed was executed by the defendant no.3 jointly in the name of defendant no.1 and plaintiff no.2 (since deceased). Learned counsel for the defendant no.4 submits that since plaintiff no.2 has already expired, no one would be allowed to operate the

account except in accordance with law. Learned counsel for the plaintiffs seeks leave to withdraw the present suit with liberty to file the suit for damages, if any. Accordingly, this suit is disposed of as withdrawn. Injunction order dated 3rd December, 2013 would continue to operate against the defendant nos.1 & 2 till the application of the plaintiff no.1 for injunction in partition suit is disposed of on its own merits. Miscellaneous application in this suit is disposed of as infructuous.

A.K. PATHAK, J.

AUGUST 07, 2015

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