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

+ **FAO(OS) 668/2015**

MINATI DAS

..... Appellant

Through: Mr Pradeep Dhingra

versus

SUBHANKAR MOHAPATRA & ANR

..... Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **09.12.2015**

CM No. 29901/2015 (exemption)

The exemption is allowed subject to all just exceptions.

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This appeal has been preferred against an order dated 16.10.2015 passed by the learned Single Judge in I.A. No. 10037/2015 (under Order VI Rule 17 CPC) and I.A. No. 10039/2015 (under Order XI Rules 12, 13 & 14 CPC). These applications were filed by the appellant / plaintiff. They are yet to be disposed of by the learned Single Judge. The respondents have been directed to file the replies to the said applications as also to disclose the immovable properties owned by them as well as the details of the immovable properties disposed of by them after filing of the suit along with documentary evidence. The learned counsel for the appellant states that the directions could have been given for disclosure from the date of the death of the parents of the parties and not from the date of filing of the suit. This prayer could be made before the learned Single Judge before

whom the applications are pending.

In these circumstances, we feel that this appeal is pre mature as the appellant would have full opportunity to advance his case before the learned Single Judge. At this stage, the learned counsel for the appellant seeks permission to withdraw this appeal with liberty to advance arguments on the above points before the learned Single Judge on the next date on which the applications are taken up for hearing.

The appeal is dismissed as withdrawn with the aforesaid liberty.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

DECEMBER 09, 2015

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