

\$~3

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

+ RSA 247/2014

HARMINDER KAUR Appellant

Through: Mr.R.S.Sharma, Advocate.

versus

VINAY NANGIA Respondent

Through: Mr.Vijay Babbar, Advocate.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

17.11.2016

CM No.15442/2014

1. For the reason stated in the application 176 days' delay in re-filing the appeal is condoned.
2. Application is disposed of.

RSA No.247/2014

1. The instant RSA has been filed by the appellant impugning the concurrent decisions of two Courts below.
2. Vide judgment and decree dated March 13, 2013 the learned Trial Court rejected the plaint under Order VII Rule 11 CPC as the suit was not maintainable under Order II Rule 2 CPC.
3. Feeling aggrieved by the decision of learned Trial Court, the appellant herein preferred RCA No.34/2013 which has been dismissed by the First Appellate Court vide order dated January 02, 2014.
4. Heard.

5. After some arguments, learned counsel for the appellant, on instructions, from the appellant, submits that since the suit property has already been vacated by the respondent herein he may be permitted to withdraw the instant appeal.

6. Accordingly, the appeal is dismissed as withdrawn.

PRATIBHA RANI, J.

NOVEMBER 17, 2016

'st'