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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 360/2016**
KAMLA DEVI & ORS

..... Petitioners

Through Mr.R.K.Sahni, Advocate.

versus

SHAKUNTALA DEVI

..... Respondent

Through Nemo.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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22.04.2016

C.M. No.14245/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 360/2016

Petitioner is aggrieved by the order dated 22.12.2015 vide which the plaintiff had been granted permission to withdraw the suit. Learned counsel for the petitioner points out that he had filed an application seeking restitution of the suit property which application had been filed by him under Section 144 of the CPC. That application had been dismissed on 20.11.2015. He has sought his remedy by filing an appeal against the order dated 20.11.2015 but the order of withdrawal (dated 20.12.2015) of the suit has prejudiced him.

This Court is not in agreement with this submission of the

learned counsel for the petitioner. The application filed by the petitioner under Section 144 of the CPC had been dismissed on 20.11.2015 which was prior to the order permitting the plaintiff to withdraw the suit.

Be that as it may, as and when an appeal is filed and heard on the impugned order dated 20.11.2015 the petitioner will be at liberty to raise his submission qua the permission granted to the plaintiff to withdraw his suit and the Appellate Court may consider this submission if it deems appropriate at that stage.

With these directions petition disposed of.

INDERMEET KAUR, J

APRIL 22, 2016
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