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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) No.685/2016, IA No.7057/2016 (u/O I R-8 CPC), IA No.7058/2016 (u/O II R-2 CPC), IA No.7059/2016 (u/O XL R-1 CPC) & IA No.7060/2016 (u/S 80 CPC).

INVESTORS SANGHARS SAMITI & ORS Plaintiffs
Through: Mr. A.K. Singla, Sr. Adv. with Mr. Bharat Gupta and Mr. Varun Tyagi, Advs.

versus

VIGNESHWARA DEVELOPERS PVT LTD & ORS Defendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **09.11.2016**

1. This order is in continuation of the earlier orders dated 23rd September, 2016 and 17th October, 2016.
2. The senior counsel for the plaintiffs seeks liberty to withdraw the suit with liberty to file afresh on the same cause of action and/or with liberty to take appropriate action in law for the grievance as urged in this plaint.
3. Since in the earlier orders the suit has been held to be not properly constituted, the plaint has to be rejected and in which case there is no need for liberty.
4. However to avoid all doubts it is clarified as sought.
5. The suit is dismissed as withdrawn with liberty aforesaid.
6. The senior counsel for the plaintiffs requests for refund of court fees.
7. Out of the court fee paid of Rs.1,97,600/-, a certificate enabling the plaintiff no.1 to obtain refund of court fee worth Rs.1,50,000/- be issued to the counsel for the plaintiffs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 09, 2016

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