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

+ **CS(OS) 2765/2011**

ANUPA ABROL

Through

versus

..... Plaintiff

Mr. Mahesh K. Chaudhary, Advocate
with plaintiff in person.

MULK RAJ GROVER & OTHERS

Through

..... Defendants

Mr. Vaibhav Sharma, Advocate for
D-2 & D-3

Mr. Pallavi Deepika, Advocate for
D-4

Mr. Santosh Kumar Tripathi, ASC,
Advocate for GNCT of Delhi

+ **CS(OS) 315/2014**

ANUPA ABROL

Through

versus

..... Plaintiff

Mr. Mahesh K. Chaudhary, Advocate
with plaintiff in person.

MULKH RAJ GROVER & ORS

Through

..... Defendants

Mr. Vaibhav Sharma, Advocate for
D-2 & D-3

Mr. Pallavi Deepika, Advocate for
D-4

Mr. Santosh Kumar Tripathi, ASC,
Advocate for GNCT of Delhi

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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03.03.2016

CS(OS) No.2765/2011

1. Counsel for the plaintiff on instructions from the plaintiff states that since

CS(OS) No.2765/2011 & conn.

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the plaintiff has filed a second suit CS(OS) No.315/2014, plaintiff does not want to press this suit CS(OS) No.2765/2011 as the plaintiff is in possession, as per the case of the plaintiff, of the suit property bearing No.A-283, Shivalik, Near Malviya Nagar, New Delhi-110 017 (hereinafter referred to as the 'suit property'). Accordingly, the suit is not pressed in view of the statement of the counsel for the plaintiff.

2. If the plaintiff wants to rely upon any document which is filed in this suit or any CFSL report which has been filed pursuant to the orders passed in CS(OS) No.2765/2011, the plaintiff is at liberty to do so by relying upon the same in CS(OS) No.315/2014.

3. Suit CS(OS) No.2765/2011 is accordingly disposed of as not pressed in view of the filing of CS(OS) No.315/2014 making it clear that the plaintiff is not pressing the relief of mesne profits. All pending applications also stand disposed of accordingly.

CS(OS) 315/2014 & I.A. No.2125/2014 (Stay)

4. By an order of today's date the connected suit filed by the plaintiff with respect to same suit property being A-283, Shivalik, Near Malviya Nagar, New Delhi-110 017 has been allowed to be withdrawn. In CS(OS) No.2765/2011 on 17.11.2011 an interim order was passed directing maintenance of *status quo* with respect to the title and possession of the suit property till further orders.

5. Accordingly, defendants are directed to maintain *status quo* with respect to possession and title of the suit property.
6. Summons in the suit and notice in the I.A. be issued to the defendants both in the ordinary method as well as by registered AD post, returnable before the Joint Registrar on 16th May, 2016.
7. Plaintiff will comply with the provisions of Order 39 Rule 3 CPC within ten days from today. *Dasti*.
8. Defendant no.2 can be served through the Superintendent of Tihar Jail, inasmuch as, defendant no.2 is said to be in Tihar Jail.

I.A. No.7241/2014 (by plaintiff for clubbing of CS(OS) No.315/2014 with CS(OS) No.2765/2011) in CS(OS) No.315/2014

9. This application is disposed of as not pressed as CS(OS) No.2765/2011 has been withdrawn by the plaintiff.

VALMIKI J. MEHTA, J

MARCH 03, 2016
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