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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.R.P. 103/2016 & CM Nos.25573-25576/2016

SAVITA TANDON GANDHI Petitioner
Through Mr.P. Banerjee, Adv.

versus

RAJ GANDHI & ANR Respondent
Through Mr.Arvind Kumar, Adv. for R-1
Mr.Rohit Gandhi/R-2 in person

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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20.07.2016

Learned counsel for the petitioner has argued at length. He submits that a categorical finding has been made by the trial court stating that the suit in question does not arise out of a matrimonial dispute and is a civil dispute between the plaintiff and the defendant and as such the court has dismissed the application of the petitioner under Order VII Rule 11 CPC.

In my opinion, the observations made by the trial Court are only for the purpose of disposal of the application under Order VII Rule 11 CPC and would necessarily be of prima facie nature.

At this stage, learned counsel appearing for the petitioner seeks liberty to withdraw the petition with liberty to file appropriate application under Order XIV Rule 5 CPC for framing of additional and appropriate issues by the trial Court on the preliminary objection raised by the petitioner regarding the jurisdiction of the Civil Courts to try the present suit.

Accordingly, present petition is dismissed as withdrawn with liberty granted, as prayed.

JAYANT NATH, J

JULY 20, 2016

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