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

+ C.R.P. 122/2016

M/S OSM PROJECTS PVT LTD Petitioner
Through Mr. Girish Agarwal and Mr. Amit
Swami, Advocates.

Versus

M/S PREMIER STEEL & GALVANIZERS
PVT LTD Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
10.08.2016

CM No. 28987/2016 (exemption)

Exemption is allowed subject to all just exceptions.

C.R.P. 122/2016 and 28986/2016 (u/S 151 CPC)

Learned counsel for the petitioner submits that that on cross-examination, PW-1 has admitted that no cause of action has accrued in Delhi. Hence, he submits that the impugned order dismissing the application under Order 7 Rule 11 CPC is erroneous.

It is quite clear that if the case of the petitioner is that the suit be dismissed on the basis of some admission made by the respondent, the appropriate remedy would be Order 12 Rule 6 CPC.

Learned counsel for the petitioner seeks liberty to withdraw the present petition with liberty to agitate this issue as per law.

Petition is dismissed as withdraw with liberty as sought for.

On the request of the learned counsel for the petitioner who submits that the costs is extremely high, the cost is reduced to Rs.5,000/-.

AUGUST 10, 2016/rb

JAYANT NATH, J