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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 315/2015 & C.M. No.6683/2015

S JASPAL SINGH & ANR

..... Petitioners

Through Mr. H.N. Vashishtha, Adv.

versus

S GAJINDER PAL SINGH & ORS

..... Respondents

Through Mr. Sumeet Pushkarna, with Mr.
Siddharth Nagpal, Advs for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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30.03.2016

The order impugned before this Court is the order dated 16.05.2014 vide which the application filed by the petitioner under Order XXXIX Rules 1 & 2 of the CPC in a pending suit had been dismissed. There is a specific provision in the Statute book i.e. the Code of Civil Procedure which is contained in Order XLIII of the CPC which provides that for a dismissal of an application under Order XXXIX Rules 1 & 2 of the CPC, the remedy is to file an appeal.

Present petition filed under Article 226 of the Constitution of India which is only an alternate remedy is not maintainable. Dismissed.

INDERMEET KAUR, J

MARCH 30, 2016

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