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

+ RSA 330/2016 & CM No. 41144/2016 (delay of 10 days in filing the appeal) & CM No. 41145/2016 (delay of 29 days in re-filing the appeal)

ANUJ TYAGI & ORS

.....Appellants

Through: Mr. Atul Kr. Sharma, Advocate.

versus

ASHOK KUMAR & ORS

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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07.11.2016

1. Counsel for the appellants/plaintiffs states that since the suit filed was a simplicitor suit for injunction without claim of declaration to the title, the subject suit was dismissed as appellants were not found to be in possession of the suit property on the date of filing of the suit, the appeal is prayed for being withdrawn with liberty, in accordance with law, to file a suit for declaration with consequential relief with respect to the suit property.

2. The appeal is accordingly disposed of with the aforesaid liberty.

VALMIKI J. MEHTA, J

NOVEMBER 07, 2016

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