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

+ CM(M) 1106/2015

M/S TRIPPLE B FINLEASE
INVESTMENT LTD & ANR

..... Petitioners

Through Mr. Dipak K. Nag, Mr. Gyan Prakash
Upmanyu and Mr. Apurva Upamanyu, Advocates.

versus

VIPIN ARORA & ANR

..... Respondents

Through Mr. M. M. Kalra and Ms. Sonali Kumar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER
18.10.2016

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By the present petition, the petitioner seeks to impugn the order dated 05.03.2015 by which an application filed by the petitioner under Order 9 Rule 7 CPC was dismissed.

It has been brought to the notice of this court that the trial court on 07.04.2016 has passed an order relevant part of which reads as follows:-

“It is pertinent to mention here that vide order dt. 05.03.2015 although the Ld. Predecessor dismissed the application of defendants No. 2 and 3 under Order 9 Rule 7 CPC but gave liberty to the defendants to join the proceedings. Therefore the defendants were at liberty to cross examine the plaintiff and his witnesses.

Issues in the present matter were framed way back in the year 2007. Thereafter the suit was kept pending for PE. When

the Ld. Predecessor has already given liberty to the defendants to participate in further proceeding, there was no use to challenge the order whereby the application under Order 9 Rule 7 CPC was dismissed.”

In view of the above order, the present petition has now become infructuous and is disposed of accordingly.

JAYANT NATH, J

OCTOBER 18, 2016
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