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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ RFA No.166/2016, CM No.10859/2016 (for stay) and CM No.10860/2016  
(for condonation of 65 days delay in re-filing the appeal).  
RAJ MOHAN JHA ..... Appellant  
Through: Mr. Satish Kumar, Adv.

Versus

GAJENDER PRASAD SINGH (NOW DECEASED)  
THR LRS & ANR ..... Respondents  
Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**  
% **30.05.2016**

1. This order is in continuation of the earlier orders dated 7<sup>th</sup> April, 2016 and 18<sup>th</sup> May, 2016.
2. The counsel for the appellant/plaintiff states that the appellant/plaintiff is ready to withdraw this appeal with liberty to implead the respondents herein in the earlier suit but the observations in para 7 of the order dated 7<sup>th</sup> April, 2016 to the effect that the suit from which this appeal arises was for the same relief as claimed in the pending suit may come in the way of the appellant/plaintiff.
3. Needless to state that the order dated 7<sup>th</sup> April, 2016 is without examining the file of the first suit and thus the question of any observation therein coming in the way of the appellant/plaintiff does not arise.
4. Accordingly, the appeal is disposed off as withdrawn but with liberty to the appellant/plaintiff to implead the respondents herein as parties to the suit already filed by the appellant/plaintiff.

No costs.

**RAJIV SAHAI ENDLAW, J**

**MAY 30, 2016**  
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