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

+ **CS(OS) 208/2007**

J MITRA & CO PVT LTD Plaintiff
Through: **Mr.Vivek Ranjan and Ms. Saya**
Choudhary, Advocates

versus

SIGMA DIAGNOSTICS SERVICES & ANRDefendants
Through: **Mr. Sagar Chandra and Mr.**
Bibhunanda Mishra, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **04.07.2017**

I.A.6338/2017

By way of this application, withdrawal of main suit is sought by plaintiff.

Mr. Sagar Chandra, Advocate accepts notice on behalf of defendants and submits that though he has no objection to withdrawal of the main suit, but plaintiff should be put to terms as plaintiff has been prolonging this matter.

Upon hearing and on perusal of record, I do not find that plaintiff has been deliberately prolonging this matter and so, no case for imposition of costs is made out. As such, the application is allowed and plaintiff is allowed to withdraw the main suit.

The application stands disposed of.

CS(OS) 208/2007

In view of order passed in I.A.6338/2017, the suit is dismissed as withdrawn unconditionally.

C.C.272/2007

Learned counsel for defendants submits that in view of withdrawal of main suit, the counter claim has become infructuous. Accordingly, it is dismissed as such.

**(SUNIL GAUR)
JUDGE**

JULY 04, 2017

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