

\$~6

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

+ C.R.P. 52/2017

SAVDHOO

..... Petitioner

Through: Mr.Kamal Jindal, Advocate.

versus

NEETU & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

23.05.2017

1. The petitioner is aggrieved by the order dated 5th November, 2016 whereby the learned ACJ, North-East District, Karkardooma Court allowed the petitioner to withdraw the petition in Succession Case No.7299/15 with liberty to file the same afresh.
2. The only grievance of the learned counsel for the petitioner is that notice of the application under Section 151 CPC was not given to the petitioner.
3. Learned counsel for the petitioner has been repeatedly questioned as to how he is aggrieved if the learned ACJ has allowed withdrawal of the succession petition on being satisfied that liberty need to be granted to file the petition afresh.
4. Learned counsel for the petitioner has been repeatedly insisting that it could not have been without notice to him.

5. The petitioner had not placed on record the copy of the proceedings of the learned Succession Court so as to infer that the petitioner herein had appeared in the Succession Case prior to 5th November, 2016. It is also not his case that the application under Section 151 CPC has been taken up and allowed before the date fixed in the matter.

6. If the learned ACJ was satisfied that the petition in Succession Case No.7299/2015 should be allowed to be withdrawn with the liberty, as prayed, the impugned order does not suffer from any illegality or can be said to have been passed without jurisdiction.

7. The petition is dismissed.

PRATIBHA RANI, J.

MAY 23, 2017

'st'