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

+ **TR.P.(C) 7/2016**

MRS PRABHA GAUR

..... Petitioner

Represented by: **Mr. Ankur Mahindro, Advocate**
with petitioner in person

versus

MR ARVIND KUMAR SHARMA & ORS

..... Respondent

Represented by: **Mr. Mani Karan Sharma,**
Advocate for respondent No.2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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24.10.2017

I.A. No. 12147/2017 (under Order XXIII Rule 1 CPC-by petitioner)

1. By this application the petitioner seeks withdrawal of the transfer petition filed by her as she does not wish to press her prayer for transfer of suit bearing No. S-688/09 tiled as 'Pushpa Sharma v Arvind Sharma & ors.' pending in the Court of learned Senior Civil Judge, (North West), Rohini Courts, Delhi.

2. Learned counsel for respondent No. 2 objects to the withdrawal of this petition for the reason the respondent No.2 has also filed an application for transfer of other suits to this Court as the probate petition is pending before this Court.

3. Learned counsel for respondent No. 2 further submits that having agitated the matter for the more than one year, the petitioner now seeks to

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withdraw the petition making the respondent to incur expenses.

4. Since the petitioner is the dominus litis and does not press the present petition, the application is disposed of permitting the petitioner to withdraw the transfer petition subject to cost.

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I.A. 12147/2017 seeking withdrawal of the transfer petition is supported by the affidavit of the petitioner. Therefore, Transfer Petition (C) No. 7/2017 is permitted to be withdrawn subject to the petitioner paying a cost of ₹10,000 to the respondent No. 2, the only contesting respondent who has entered appearance.

I.A. No. 10253/2017 (under Section 24 r/w 151 CPC by respondent No.2)

1. Learned counsel for the respondent No. 2 on instructions from respondent No.2 who is present in Court seeks leave to withdraw this application with liberty to file a substantive petition to seek transfer of the proceedings, respondent No. 2 deems fit before this Court.

2. Application is disposed of as withdrawn with liberty as prayed for.

MUKTA GUPTA, J.

OCTOBER 24, 2017/‘yo’

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