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

+ CM(M) 368/2017

SUSHILA & ANR

..... Petitioners

Through: Mr.D.R.Bhatia, Advocate.

versus

BUDDHAN RAM (DECEASED)

THR JAGDISH PRASAD MAHAMMA & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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19.04.2017

CM No.13038/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

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1. The petitioners are aggrieved by the order dated 23rd January, 2017 whereby the application moved by them under Order IX Rule 7 CPC has been allowed by the learned Trial Court subject to payment of cost of ₹25,000/- each to the respondents/plaintiffs.
2. Learned counsel for the petitioners submits that in view of the physical and financial condition of the petitioners they are not in a position to pay the cost and their prayer is limited only to the extent that cost may be waived.
3. On being questioned as to whether any prayer has been made by the

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petitioners before the learned Trial Court for reduction of the cost, learned counsel for the petitioners submits that no such request was made.

4. Learned counsel for the petitioners seeks leave to withdraw the instant petition with liberty to approach the concerned Trial Court with a prayer for reduction of the cost highlighting the financial and physical condition of the petitioners.

5. Accordingly, the instant petition is dismissed as withdrawn granting the liberty as prayed for.

6. As prayed, copy of the order be given dasti.

PRATIBHA RANI, J.

APRIL 19, 2017

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