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

+ **CS(OS) No.2395/2007**

KUNAL GAUR

..... Plaintiff

Through: Mr. Sanjeev Narula, Mr. Sayantan Mondal, Ms. Kaanan Gupta, Ms. Dipika Prasad and Ms. Jyoti Mendiratta Advs.

Versus

NIRMALA SHARMA & ORS

..... Defendants

Through: Mr. Pawan K. Bahl, Adv. with Mr. Shailesh Sharma defendant in person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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18.05.2017

1. This order is in continuation of the order dated 8th May, 2017.
2. Mr. Sayantan Mondal, Advocate for the plaintiff, in response to the queries made on 8th May, 2017, states that the plaintiff be permitted to withdraw this suit filed for partition on the premise of existence of Hindu Undivided Family (HUF) and with liberty to institute a suit for partition and other reliefs based on succession under the applicable law and / or the Settlement Agreement. It is also stated that the interim order dated 7th December, 2007 in the suit, in force till now, be extended for a reasonable time to enable the plaintiff to file another proceedings claiming the interim order.
3. The counsel for all the defendants accompanied by defendant no.2 cannot possibly object to the aforesaid request save for stating that the pleas open to him in response to the fresh proceeding if any filed by the plaintiff be also clarified to remain open.

4. It is so clarified.
5. The suit is dismissed as withdrawn with liberty aforesaid.
6. The interim order dated 7th December, 2007, notwithstanding withdrawal of the suit, shall remain in force till 15th July, 2017. If there is no order in any other proceeding instituted by the plaintiff continuing the said interim order, the said interim order shall stand vacated automatically on 16th July, 2017.
6. No costs.

RAJIV SAHAI ENDLAW, J.

MAY 18, 2017
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