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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) 242/2016

M/S MODICARE LTD

..... Appellant

Through: Mr.Sanjeev Sindhwani, Sr.Adv. with
Mr.Amitabh Marwah, Adv.

versus

INDU BALA MALHOTRA & ORS

..... Respondents

Through: Mr.Dhanesh Relan, Ms.Isha Garg,
Mr.Harsh Wardhan, Advs. for DDA
Mr.S.C.Anand, Adv. for R-1 to 4

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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20.07.2017

After some hearing, learned senior counsel for the appellant, on instructions, states that the appellant be granted liberty to file a fresh application under Order 7 Rule 11 of the Code of Civil Procedure, 1908 in view of subsequent developments as the plaintiffs (respondent nos.1 to 4 before us) have given up prayers A to E and they have also withdrawn the suit against defendant no.5 (respondent no.9 in the present appeal).

Learned counsel appearing for respondent nos.1 to 4 (plaintiffs) states that he has no objection to the statement made and that the said respondents would not be contesting maintainability of any such application. They would contest the application on merits.

In view of the prayer and statement made by the learned Senior Counsel for the appellants and respondent Nos.1 to 4, the present

appeal is disposed of granting liberty to the appellant to file a fresh application under Order 7 Rule 11 CPC under the changed circumstances.

The fact that respondent nos.1 to 4 (plaintiffs) have withdrawn the reliefs/prayers A to E, and the effect thereof can be examined by the Court while deciding the said application. We do not make any comment in this regard.

The appeal is disposed of.

No costs.

SANJIV KHANNA, J

NAVIN CHAWLA, J

JULY 20, 2017
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