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

+ CM(M) 782/2016

SANJEEV BANSAL

..... Petitioner

Through: Ms.Surbhi Gupta, Advocate, proxy  
for Mr.Ajay Gupta, Advocate.

versus

ASHOK KUMAR GUPTA & ORS

..... Respondents

Through: Mr.Vipul Goel, Advocate.

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

**09.05.2017**

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1. By filing the instant petition, the petitioner has impugned the order dated 21<sup>st</sup> April, 2016 whereby the application filed by him under Order VIII Rules 1 & 10 r/w Section 151 of Code of Civil Procedure has been dismissed and respondents/defendants were allowed to file written statement subject to payment of cost of Rs.3500/-.

2. On the last date of hearing, learned counsel for the parties sought adjournment to place on record the copy of the proceedings before the learned Trial Court recording payment of cost, subject to which written statement was allowed to be taken on record.

3. Today Counsel for the respondent has placed on record the copy of the proceedings dated 6<sup>th</sup> August, 2016 wherein it is recorded that cost has been paid.

4. In the given circumstances, since the cost of Rs.3500/- subject to

which written statement was ordered to be taken on record has been paid by the respondents/defendants and accepted by the petitioner/plaintiff, the petitioner/plaintiff is estopped from questioning the order dated 21<sup>st</sup> April, 2016 impugned herein.

5. The petition is dismissed.

**PRATIBHA RANI, J.**

**MAY 09, 2017/‘st’**