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

+ RSA 222/2016

DR RAMESH CHANDER GARG Appellant
Through: Mr.J.K.Jain, Advocate

versus

SANJIV MATHUR & ORS Respondents
Through: Mr.Parmod Kumar Sharma, Advocate
for R-1
Mr.S.Chaturvedi, Advocate for R-2

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
% **14.03.2017**

CM No.29594/2016

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

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1. Learned counsel for the appellant on instructions from the appellant, who is present in person, submits that the suit for injunction was dismissed as having become infructuous when despite the appellant having interim order in his favour against dispossession, he was dispossessed during pendency of the suit. Learned counsel for the appellant further submits that the appellant has already sought remedy under Section 6 of the Specific Relief Act, 1963 and the said suit is at the stage of defence evidence.
2. Without prejudice to the rights and contentions of the appellant,

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learned counsel for the appellant seeks permission to withdraw this appeal and to avail the remedy as per law.

3. In view of the submissions made by learned counsel for the appellant, on instructions from the appellant who is present in person, without prejudice to the respective rights and contentions of the parties, this appeal is dismissed as withdrawn.

PRATIBHA RANI, J.

MARCH 14, 2017

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