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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.853/2016 & CM No.31715/2016 (for stay).
AAA BUILDWELL PVT LTD. Petitioner
Through: Mr. Dinesh Kumar Gupta, Adv.
versus

DEV INFRASTRUCTURES PVT LTD & ORS Respondents
Through: Mr. Dhananjay Shahi, Adv. for R-
1&2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **24.07.2017**

CM No.31716/2016 and 31717/2016 (both for exemption).

1. Allowed, subject to just exceptions.
2. The CMs stand disposed of.

CM(M) No.853/2016 & CM No.31715/2016 (for stay).

3. This petition under Article 227 of the Constitution of India impugns the orders dated 4th May, 2016 and 28th July, 2016 in Suit No.2275/16 of the Court of District & Sessions Judge (East), Karkardooma Courts, Delhi of dismissal of the applications filed by the petitioner / defendant under Order VII Rule 11 and Order XII Rule 6 of the Code of Civil Procedure, 1908 (CPC) seeking dismissal of the suit on the ground of the claim therein being barred by time.
4. The counsel for the respondent has been appearing on advance notice.
5. Revision Petition lies against dismissal of such applications. The petition filed under Article 227 is misconceived.

6. Be that as it may, the counsel for the petitioner / defendant has been heard.
7. After full hearing, the counsel for the petitioner / defendant withdraws the petition.
8. Dismissed as withdrawn.
No costs.

RAJIV SAHAI ENDLAW, J

JULY 24, 2017

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CM(M) No.853/2016

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