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

+ CM(M) 1103/2016 and CM No.40619/2016

SAROJ KUMARI

..... Petitioner

Through: Ms. Anisha Banerji, Adv. with
Ms. Mrinalini Sen & Mr. Shatrajit
Banerji, Advocates

versus

KAMLA MITRA & ORS

..... Respondents

Through: Mr. H.S. Sharma, Adv. for R-1.
Mr. Siddharth Aggarwal, Adv. for
R-2.
Respondent no.3 in person.
Mr. Prem Kumar, Adv. with
Mr. Rakesh Kumar, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **28.11.2017**

When this matter was taken up first in the presence of the counsel for the respondents as well, on the request of counsel for the petitioner adjournment was granted with direction that it be re-notified on 14.05.2018. But, before the parties with their counsel left the court room, the counsel for the petitioner submitted that she may instead be given pass over as she wanted to seek fresh instructions in the matter since it may be advisable on the part of the petitioner to withdraw the petition at this stage. The matter was thus passed over, the counsel representing the opposite side duly present in the Court at that stage.

The matter was called out again in the post lunch session but there was no appearance for the respondents. The matter has been kept in wait and called out repeatedly but the situation remains the same. It is now 04:06 p.m. No good ground to wait further.

The counsel for the petitioner submits, on instructions, that she may be allowed to withdraw the main petition and the application filed which are pending as the petitioner would like to move the Rent Controller with the prayer for review of the impugned order on one hand and to seek appropriate relief in accordance with law on account of subsequent development of death of the first respondent.

In view of the above, the date earlier fixed is cancelled. The petition and the applications which are pending are dismissed as withdrawn with liberty as prayed granted.

R.K.GAUBA, J

NOVEMBER 28, 2017

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