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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RSA 163/2017 and C.M. Appl. No. 22641/2017 (for stay)**

MADAN MOHAN MALHOTRA Appellant
Through: Ms. Shobhana Takiar, Advocate.

versus

LAXMI NARAYAN & ANR Respondents
Through: Mr. R.K. Bedi, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
06.11.2017

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1. After arguments, this appeal is disposed of by setting aside the impugned judgments dated 29.10.2013 and 16.3.2017 and the effect whereof would only be that the present suit will not be held to be hit by Order 2 Rule 2 CPC read with Order 23 Rule 1 CPC but all other defences of merits of the respondent/defendant, whether of fact or law, will remain open and the suit will be decided by the trial court in accordance with law.

2. Parties to appear before the District and Sessions Judge, Central District, Tis Hazari Courts, Delhi, on 30th November, 2017 and the District and Sessions Judge will mark the suit for disposal to a competent court in accordance with law.

VALMIKI J. MEHTA, J

NOVEMBER 06, 2017/JK