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

+ **CM(M) 777/2017**

SURINDER SINGH DHILLON

..... Petitioner

Through: Mr. Sunil Satyarthi, Mr. Raman
Gandhi & Mr. Ashok Kumar Verma,
Advts.

Versus

ONKAR SINGH

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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28.07.2017

CM No.26199/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) 777/2017 & CM No.26200/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the order [dated 12th April, 2017 in Civil Suit No.5601/2016 of the Court of Additional District Judge (ADJ)-04, South District, Saket Courts, New Delhi] of dismissal of the application filed by the petitioner / defendant under Order VII Rule 11 of the CPC.
4. The remedy against the dismissal of an application under Order VII Rule 11 of the CPC is by way of a Revision Petition under Section 115 of the CPC and once that is available, the remedy under Article 227 of the Constitution of India would not be available.

5. However having gone through the paper book and being of the view that even otherwise there is no merit in the petition and to avoid the petitioner / defendant filing Revision Petition now, the counsel for the petitioner / defendant has been heard.

6. After full hearing, the counsel for the petitioner / defendant seeks to withdraw the petition.

Dismissed as withdrawn.

RAJIV SAHAI ENDLAW, J

JULY 28, 2017
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