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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.690/2017
DAYANAND MADAAN Petitioner
Through: Mr. V.K. Sharma, Adv.
versus
GAURAV SHARMA Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **12.07.2017**

1. This petition under Article 227 of the Constitution of India impugns the order dated 23rd May, 2017 (of District & Sessions Judge, Shahdara District, Delhi in CS No.126/17) of dismissal of the application of the petitioner / plaintiff under Order XXXIX Rule 10 of the Code of Civil Procedure, 1908 (CPC).
2. Attention of the counsel for the petitioner / plaintiff is drawn to Order XLIII Rule 1(r) of the CPC which makes an order under Rule 10 of the Order XXXIX appealable thereunder.
3. The counsel for the petitioner / plaintiff withdraws the petition with liberty to take appropriate remedies.
4. I may notice that though in this petition the order dated 23rd May, 2017 also allowing the written statement of the respondent / defendant to be taken on record is also challenged but neither is there any merit in the said challenge nor has the counsel for the petitioner / plaintiff urged the same.
5. Dismissed as withdrawn with liberty aforesaid.

RAJIV SAHAI ENDLAW, J

JULY 12, 2017/‘pp’..