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

+ **W.P.(C) 558/2017**

FAQEER MOHAMMAD Petitioner

Through: Ms. Neela Gokhale, Advocate.

versus

JAMIA MILLIA ISLAMIA AND ORS Respondents

Through: Dr. Amit George, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **20.01.2017**

C.M. Appl. No. 2589/2017 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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1. Counsel for the petitioner states that the petitioner has not stated all the facts and therefore the writ petition be allowed to be withdrawn with liberty to file a fresh petition not only on the facts and causes of action as stated in the present writ petition but also on the additional facts, causes of action and reliefs.

2. Though the petitioner is allowed the liberty as prayed, the contention of counsel for the respondents is noted that the petition would be barred by delay and laches on account of the underlying

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principles of the Limitation Act, 1963 in view of the judgment of the Supreme Court in the case of *State of Orissa and Another Vs. Mamta Mohanty (2011) 3 SCC 436* and which aspect is not being decided herein but only observations made in view of the statement made on behalf of the respondents.

3. The writ petition is accordingly allowed to be withdrawn with the aforesaid liberty reserving the right of the respondents to challenge the fresh petition filed on all defences of facts and law as would be available to the respondents.

VALMIKI J. MEHTA, J

JANUARY 20, 2017

JK