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

+ CM(M) 1285/2017

OM PARKASH ADLAKHA Petitioner

Through: Mr. Arun K. Yadav, Adv.

Versus

MADHU BALA ADLAKHA & ANR Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 14.11.2017

CM No.41117/2017 (for exemption)

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

CM(M) 1285/2017 & CM No.41118/2017 (for condonation of 20 days delay in re-filing)

3. This petition under Article 227 of the Constitution of India impugns the order [dated 17th July, 2017 in Suit No.17935/2016 of the Court of Additional District Judge-11 (Central), Tis Hazari Courts, Delhi] rejecting as barred by Order IX Rule 9 of the Code of Civil Procedure, 1908 (CPC) the plaint in a suit filed by the petitioner/plaintiff.

4. Attention of the counsel for the petitioner/plaintiff has been drawn to Section 2(2) of the CPC conferring the status of a decree on an order of rejection of plaint.

5. The counsel for the petitioner/plaintiff withdraws this petition with liberty to take appropriate remedy.
6. Dismissed as withdrawn with liberty aforesaid.
No costs.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 14, 2017
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