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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1084/2017 & CM No.35448/2017 (for stay)
DR MANJULA PATHAK KRIPPENDORF Petitioner
Through: Mr. V.K. Tandon, Adv.
Versus
VIJAY DIXIT & ORS Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **01.11.2017**

1. This order is in continuation of the earlier orders dated 25th September, 2017, 9th October, 2017 and 12th October, 2017.
2. Though no plausible reason is coming forward for the insistence of the petitioner / plaintiff to bring the suit to this Court but in accordance with the dicta of the Full Bench of this Court in *Subhashini Malik vs. S.K.Gandhi (2016) 233 DLT 83*, it is deemed appropriate to allow the petition.
3. Need to issue notice is not felt as the order impugned in the petition was also passed without hearing the respondents / defendants and who the counsel for the petitioner / plaintiff states are *ex parte* in the suit.
4. Accordingly, the petition is allowed.
5. The order dated 24th May, 2017 and 16th August, 2017 are set aside and the application of the petitioner / plaintiff under Order VI Rule 17 of the Code of Civil Procedure, 1908 is allowed.
6. The petition is disposed of.

RAJIV SAHAI ENDLAW, J

NOVEMBER 01, 2017

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