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

+ CM(M) 1110/2017

SAWITRI JAIN

..... Petitioner

Through: Mr. Vineet Bhagat and Mr. Shreshth
Nanda, Advs.

Versus

MAYA BHATTACHARJEE (DECEASED) THROUGH LRS

& ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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10.10.2017

CMs No.36285/2017 & 36286/2017 (both for exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

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3. This petition under Article 227 of the Constitution of India impugns the order [dated 2nd April, 2016 in CS No.13/2014 of the Court of Civil Judge-04 (West), Tis Hazari Courts, Delhi] *inter alia* of dismissal in default of the application filed by the petitioner under Order XXII Rule 10 of the Code of Civil Procedure, 1908 (CPC) for substitution in place of the deceased respondent No.2/defendant Anila Dasgupta in the suit for specific performance of agreement of sale of immoveable property filed by the deceased respondent No.1/plaintiff Maya Bhattacharjee.
4. The counsel for the petitioner withdraws the petition to approach the Trial Court for restoration of the application under Order XXII Rule 10 of CPC aforesaid.

5. Dismissed as withdrawn with liberty in accordance with law as prayed.

No costs.

RAJIV SAHAI ENDLAW, J.

OCTOBER 10, 2017

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