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

+ C.R.P. 228/2017

BUDH PRAKASH & ORS

..... Petitioners

Through: Mr. Sunil Satyathi & Mr. Raman
Gandhi, Advs.

Versus

MAM CHAND (EXPIRED) THR LRS & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.10.2017**

CM No.37290/2017 (for exemption)

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

C.R.P. 228/2017, CM No.37289/2017 (for stay) & CM No.37291/2017 (for condonation of 12 days delay in filing the petition)

3. This petition under Section 115 of the CPC impugns the judgment and decree dated 3rd June, 2017 in Suit No.104282/2015 (Case ID No.02402C0258782011) of the Court of JSCC-Cum-ASCJ-Cum-GJ, North-East District, Karkardooma Courts, Delhi of dismissal of the suit filed by the petitioners / plaintiffs as without any cause of action and not maintainable.

4. I have straightaway enquired from the counsel for the petitioners / plaintiffs as to how a Revision Petition under Section 115 lies against a decree and whether not the remedy if any of the petitioners / plaintiffs is by way of First Appeal under Section 96 of the CPC.

5. The counsel for the petitioners / plaintiffs after full arguments withdraws this petition with liberty to pursue the appropriate remedy.

6. Dismissed as withdrawn with liberty aforesaid.

No costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 16, 2017/‘gsr’..