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

+ RFA 754/2015

SUSHIL KUMAR AGGARWAL Appellant
Through: Mr. S.W. Haider, Advocate

versus

GENERAL MANAGER NORTHERN RAILWAY & ANR Respondents
Through: Mr. Shailender Saini, Advocate with
Ms. Rashmi Malhotra, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
08.03.2017

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1. The appellant/plaintiff is aggrieved by the judgment dated 04.02.2015 passed by the learned trial court, dismissing his suit for declaration, permanent and mandatory injunction instituted against the respondents/Northern Railways on the ground that the same is not maintainable in view of non-compliance of Section 80 CPC and under Order VII Rule 11(a) CPC on the ground that the plaint does not disclose a cause of action.
2. After addressing arguments at some length, learned counsel for the appellant states that he may be permitted to withdraw the present appeal while reserving the right of the appellant to pursue an application submitted by him to the respondent No.1, for invoking the arbitration clause governing the parties.

3. Leave, as prayed for, is granted. The appeal is disposed of. Liberty is granted to the appellant to pursue his application invoking the arbitration clause governing the parties, stated to be pending with the respondent No.1/Northern Railways, before the appropriate forum, in accordance with law.

MARCH 08, 2017
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HIMA KOHLI, J

