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

+ CM(M) 97/2018 & CM 2754-2756/2018

HAROON & ORS

..... Petitioner

Through: Mr. Sushil Kumar Rai, Advocate.

versus

BIRENDER SINGH & ANR

..... Respondents

Through:

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**

% **23.01.2018**

The prime grouse of the petitioner seeking to assail the order dated 15.11.2017 of the Civil Judge whereby the application of the petitioners (the plaintiffs) to amend the plaint of the suit (Suit No. 96305/16) under Order VI Rule 17 of the Code of Civil Procedure, 1908 (CPC) was rejected is that it is against the spirit of the previous order dated 18.07.2013 whereby the Civil Judge had recorded views on the issue of maintainability and had granted liberty to the plaintiffs to amend the pleadings, in exercise of which liberty the application leading to the impugned order was filed. It is noted that the impugned order dated 15.11.2017 does not refer to the previous order dated 18.07.2013.

After some hearing, the learned counsel for the petitioners submitted that in view of above he may be allowed to withdraw the

present petition and the applications filed therewith and instead approach the Civil Judge with a review application.

The petition and the accompanying applications stand dismissed as withdrawn with liberty as prayed granted.

**R.K.GAUBA, J**

**JANUARY 23, 2018**

*srb*