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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 92/2018 & IA No.2919/2018 (u/O XXXIX R-1&2 CPC)**
RUKMINI DEVI & ORS Plaintiffs

Through: Mr. Akhil Sibal, Sr. Adv. with Mr.
Avinash Trivedi & Ms. Ritika
Trivedi, Advs.

Versus

CHHAYA DEVI & ORS Defendants

Through: Mr. Sudhir Chandra, Sr. Adv. with
Ms. Bitika Sharma & Ms. Aarushi
Lohia, Advs. for D-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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07.03.2018

1. This order is in continuation of the earlier order dated 28th February, 2018.
2. The senior counsel for the plaintiffs, on instructions withdraws the suit with liberty to take appropriate proceedings on the same cause of action on which this suit was filed including by way of amendment of CS(OS) No.1319/2013.
3. The senior counsel for the defendant no.1 / caveator, on instructions, has no objection provided all objections open to the defendant no.1 remain open to the defendant no.1 to contest the fresh action or the application for amendment.
4. Dismissed as withdrawn with liberty to the plaintiffs as well as the defendant no.1 as aforesaid.

5. It is further clarified that none of the observations in the order dated 28th February, 2018 would bind the parties, the same being tentative.

6. On request, a certificate entitling the plaintiffs to refund of court fees paid on the suit minus Rs.25,000/- is ordered to be issued and handed over to the counsel for the plaintiffs.

No costs.

RAJIV SAHAI ENDLAW, J

MARCH 07, 2018

‘gsr’..