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

+ CM(M) 258/2018 & CMs 8536-8537/2018

MIDAS HYGIENE INDUSTRIES PVT LTD Petitioner
Through: Mr. Sanjeev Sudhwari, Senior
Advocate with Mr. Jai Sahai Endlaw,
Advocate.
versus

SUDHIR BHATIA & ORS Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **06.03.2018**

The present petition seeks to assail the order dated 03.02.2018 moved by the petitioner as plaintiff of the suit (T.M. No.1000/16) pending on the file of Additional District Judge- 13, Central District, Tis Hazari Courts, whereby its application dated 12.10.2017 seeking to amend the plaint invoking Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 primarily to add the prayer for declaration and to bring on record certain subsequent events was dismissed.

After some hearing, the learned senior counsel, on instructions, submits that the petitioner may be allowed to withdraw the present petition and be given liberty instead to institute a fresh suit on the cause of action as pleaded in the proposed amendments to seek the relief, *inter alia*, of declaration and also make an appropriate prayer,

at the appropriate stage, for the present suit and the new intended suit to be consolidated.

The petition and the applications filed therewith are dismissed as withdrawn. The petitioner has the liberty to pursue all such remedies as may be available to it under the law, *inter alia*, by bringing a fresh suit on the basis of subsequent events and to make an appropriate prayer before the concerned forum at appropriate stage for such new suit to be consolidated.

R.K.GAUBA, J

MARCH 06, 2018

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