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

+ C.R.P. 61/2018 & CM No.12185/2018

M/S ABHINAV OUTSOURCING PVT LTD..... Petitioner

Through: Mr. Siddharth Yadav with
Mr. Wasim Ashraf, Advocates.

versus

MOUTHSHUT & ORS Respondents

Through: Mr. Biju Nair and Mr. Gurbir
Singh Sidhu, Advs. for R1.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **07.12.2018**

1. The impugned order dated 03.01.2018 passed by the Court of the learned Additional District Judge, South-East District, Delhi, is the subject matter of challenge in this revision petition.
2. By the impugned order, the *ex parte* judgment and decree dated 06.05.2015 was set aside subject to payment of Rs.20,000/- as costs. The respondent/defendant was also directed to file written statement within 30 days with an advance copy to the counsel for the plaintiff and the matter was adjourned to 03.04.2018 for completion of pleading, payment of cost, admission/denial of documents and framing of issues.
3. Upon being asked by the Court, learned counsel for the petitioner submits that initially the cost was not accepted but eventually it was accepted by the petitioner/plaintiff from the

respondent/defendant under protest after filing of the present revision petition.

4. In the circumstances, the petitioner/plaintiff is estopped from continuing the revision by its act and conduct and acquiescence and the petition is not maintainable.
5. The petition along with pending application, being CM No.12185/2018, is dismissed with no order as to cost.

DECEMBER 07, 2018

"sandeep"

VINOD GOEL, J.



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