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

+ CM(M) 422/2018

JYOTI GOYAL & ANR

..... Petitioners

Through: Mr. J.P. Sengh, Sr. Adv. with Mr.
Mohit Mathur, Mr. Shyam Sharma,
Mr. Sanjeev Tyagi, Ms. Vinita Singh,
Ms. Manisha Mehta & Ms. Vaishali
Tanwar, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Arun Birbal, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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04.05.2018

CM No. 18092/2018 (for recall of order dated 13.04.2018)

The petitioner/applicant had come up to this Court by CM (M) 422/2018 feeling aggrieved by the order dated 01.11.2017 and 06.02.2018 of the trial court in Civil suit no. 59257/2016), as a consequence whereof the opportunity for the petitioners (plaintiffs of the suit) to lead evidence was closed. The petition was disposed of by order dated 13.04.2018 in the presence of counsel for the respondent, on the concession that the *ad interim injunction* operating in terms of order dated 09.02.2012 may be vacated and the petitioners be granted the opportunity to examine one additional witness namely an official from the office of concerned Sub Divisional Magistrate, this subject to costs of ` 20,000/- to be paid to the opposite party.

By the application at hand, the prayer is made for recall of order dated 13.04.2018, the request being that the petition seeking opportunity to adduce additional evidence through the above-mentioned witness is not pressed and instead may be permitted to be withdrawn.

The respondent has appeared on advance copy being served. The learned counsel for the respondent confirmed after taking instructions, that no additional witness has been examined by the petitioners pursuant to liberty taken by this court by order dated 13.04.2018. Having regard to the submissions made, the order dated 13.04.2018 is recalled and, as requested, the petition CM (M) 422/2018 and applications filed therewith – are dismissed as withdrawn.

For removal of doubts, it is clarified that as a natural consequence of the above order, the directions of vacating the ad interim injunction granted on 09.02.2012 also stand set aside.

R.K.GAUBA, J.

MAY 04, 2018

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