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

+ CM(M) 311/2016 and CM APPL.12025/2016

KULDEEP AND ORS. Petitioners

Through: Mr. Dinesh Agnani, Senior Advocate with
Ms. Leena Tuteja, Adv.

versus

LATE BANWARI LAL THR HIS LRS AND ORS..... Respondents

Through: Mr. Gagan Chawla, Advocate with
Mr. Robin Bhardwaj, Adv. for R-1 (a-c).
Mr. Mohit Kumar Sharma, Adv. for R-3(a-h)

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **05.04.2018**

After some hearing, the counsel for the petitioner submits, on instructions, that the impugned order having been passed on an application on 23.02.2016 at a stage when there was no suit pending, the plaint having been rejected by order dated 15.01.2016 under Order VII Rule 11 CPC, she may be allowed to withdraw the present petition and the application filed therewith and instead be given liberty to move a fresh application for appropriate relief, in the proceedings in the said suit which have since been revived, the rejection of the plaint having been set aside by the first appellate Court by its order dated 05.09.2016.

The petition and the application filed therewith are dismissed as withdrawn with liberty as prayed for granted.

R.K.GAUBA, J.

APRIL 05, 2018/vk