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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RSA 112/2018, CM No.31669/2018 (u/O XLI R-5 CPC for stay), CM No.31670/18, CM No.31671/18 (both for exemption) and CM No.31672/18 (u/O XX R-6A CPC).

BALAKNATH BABA KAILASH PARVAT
MANDIR TRUST

..... Appellant

Through: Mr. Harsh Kumar, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **07.08.2018**

1. This Regular Second Appeal under Section 100 of the Code of Civil Procedure, 1908 (CPC) impugns the judgment [dated 27th April, 2018 in RCA-DJ-42/18 of the Court of the Additional District Judge (East)] of dismissal of the First Appeal under Section 96 of the CPC preferred by the appellant against the order [dated 27th January, 2018 in CS No.75/2018 of the of the Court Additional Senior Civil Judge (East)] of rejection in *limine* of the plaint in the suit filed by the appellant/plaintiff to restrain the Delhi Development Authority (DDA) and Station House Officer (SHO), PS New Ashok Nagar, District East, Delhi – 110 092 from removing any deity and the belongings of the temple *Shiv Mandir* located at Shiv Park, Kondli Sabzi Mandi, Delhi – 110 096 and from demolishing the same and for mandatory injunction directing the SHO Police Station New Ashok Nagar to stop illegal gambling and intoxication claimed to be happening around the said temple.

2. After some arguments, the counsel for the appellant/plaintiff withdraws the appeal.
3. Dismissed as withdrawn.
4. It is however made clear that the appellant/plaintiff to, along with fresh proceedings if any instituted, file a copy of the orders impugned as well as this order.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 07, 2018
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