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

+ CM(M) 624/2015 & CM No. 12062/2015 (stay)

SANTOSH SHARMA & ORS

..... Petitioners

Through: Mr. Abhijat, Mr. Pratyush Sharma &
Mr. Shaashwat, Advs.

versus

JASWANT KUMAR @ GOPAL & ORS

..... Respondents

Through: Mr. L.K. Singh & Ms. Parveen
Sharma, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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22.01.2018

Having heard the learned counsel for the petitioners and for the third respondent who only appears on the other side and having perused the record, this Court is inclined to record that the observations made by the trial Court in the order dated 05.06.2013 and by the first appellate Court in the order dated 12.03.2015 were for taking a decision on the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC) and cannot be construed as final expression of opinion on merits. Further, the parties will have to remember that the doctrine of *lis pendens* applies.

In view of the above, the counsel for the petitioners submits that he may be allowed to withdraw the present petition. The petition is dismissed as withdrawn accordingly.

R.K.GAUBA, J

JANUARY 22, 2018/nk