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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1306/2016 & CM Nos. 46981/2016**

LEKHRAJ

..... Petitioner

Through: Mr. Lalit Kumar with Mr. Jawahar
Goel, Advocates.

versus

RAM KISHAN & ANR

..... Respondents

Through: Mr. Amit Gupta, Advocate for R-1
along with R-1 in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **05.04.2018**

After some hearing, the counsel for the petitioner submits, on instructions, that he may be permitted to withdraw the present petition and the application filed therewith and instead be given liberty to raise the question of law before the first appellate court in the proceedings arising out of appeal (RCA no.24/2013) taken out against the judgment dated 06.10.2012 whereby, *inter alia*, the civil suit (CS no.177/11/04) has been dismissed to the effect that the suit could not have been decided without Kanta Rani (since deceased) or her successors in interest and Delhi Urban Shelter Improvement Board having been impleaded as a party.

The petition and the application filed therewith are dismissed as withdrawn with liberty as aforesaid granted subject, however, to the contentions to be raised to contest such prayer at appropriate stage, the right of the other party to that effect being also preserved.

R.K.GAUBA, J.

APRIL 05, 2018//srb