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

+ C.R.P. 67/2017 & CM No. 10752/2017 (stay)

ARUN K GUPTA

..... Petitioner

Through: Mr. A.K. Padhy & Mr. S.R. Padhy,
Advs.

versus

KULBHUSHAN GUPTA (THR LRS) & ORS Respondents

Through: Mr. Vijay Kr. Gupta & Mr. Mehul
Gupta, Advs. for R-1, 3 & 4.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **18.01.2018**

The petition at hand was filed seeking to assail the order dated 29.08.2016 of the Additional District Judge whereby the application of the petitioner, defendant in the suit (new case no. 577616/16 – old no. CS No. 56/16) for rejection of the plaint submitted by the respondents (plaintiff) under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (CPC) was dismissed.

After some hearing, the learned counsel for the petitioner submits that he may be allowed to withdraw the present petition but permitted to raise, as questions of law, the issue of under-valuation of the suit and it being barred by law, at the time of consideration of the application of the respondent (plaintiff of the suit) seeking a decree on admissions under Order 16 Rule 6 CPC which is presently pending. The learned counsel for the respondent/ plaintiff of the suit submits no objection to such liberty being granted.

The petition and the application filed therewith are dismissed as withdrawn with liberty, as prayed, granted.

R.K.GAUBA, J

JANUARY 18, 2018

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