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

+ **RFA 1032/2017**

YASHWANTI

..... Appellant

Through: Mr. Kamlesh Jha, Advocate (Mobile
No. 9999332085).

versus

SEWA & ORS

..... Respondents

Through: Ms. Shashi Panwar, Advocate for R-1
and 2 (Mobile No. 9818607852).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **16.11.2018**

1. After arguments this appeal is disposed of with the consent order that the impugned order dated 11.7.2017 will not be treated as an order of dismissal of the suit but one of the rejection of the plaint on account of the plaint lacking material averments of the cause of action. The appellant/plaintiff therefore in accordance with law, and in view of Order 7 Rule 13 CPC, on there existing a proper cause of action and the appellant/plaintiff making due averments of the proper cause of action in a fresh suit which would be filed, is given liberty to file a fresh suit in accordance with law.

2. The appeal is accordingly disposed of in terms of the aforesaid consent order.

VALMIKI J. MEHTA, J

NOVEMBER 16, 2018/ AK