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

+ **CS(OS) 649/2017**

MS. SONIA JOKHANI

..... Plaintiff

Through: Mr. H.S. Nagpal, Advocate.

versus

SH. JUGAL KISHORE JOKHANI & ANR

..... Defendants

Through: Mr. Sachin Gupta, Advocate for D-1.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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23.02.2018

I.A. No. 2602/2018 (under Order 23 Rule 1 CPC, for withdrawal of suit)

1. By this application plaintiff seeks liberty to withdraw this suit so as to file a fresh suit.
2. While this application is allowed and suit is allowed to be withdrawn as prayed, if the plaintiff files a fresh suit then plaintiff will mention the factum with respect to filing of this suit in the subsequent suit as also will mention and file the order dated 5.12.2017 in the suit in the subsequent suit which is supposed to be filed by the plaintiff.

I.A. stands disposed of.

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3. Since the suit is withdrawn at the initial stage before recording of evidence therefore plaintiff will be held entitled to refund of 50% of the

court fee paid in view of the provision of Section 16-A of the Court-fees Act, 1870 (as applicable to Delhi). Registry will issue the necessary certificate in this regard in favour of plaintiff.

4. Perjury notice issued to the plaintiff in terms of the order dated 5.12.2017 is discharged.

VALMIKI J. MEHTA, J

FEBRUARY 23, 2018

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