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

+ CM(M) 1470/2017

GANDHI SMARAK NIDHI & ANR Petitioners
Through: Mr. A.K. Singla, Senior Advocate
with Mr. Rahul Shukla & Mr. Susheel
Tripathi, Advocates.
versus

ANIL DUTTA MISHRA Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **02.01.2018**

CM No. 47491/2017 (exemption)

Allowed, subject to all just exceptions.

CM(M) 1470/2017 & CM No.47490/2017

The learned additional district judge by the impugned order dated 14.10.2017 has dismissed the application under Order 12 Rule 6 CPC of the petitioners seeking decree on admissions observing that before such a prayer could be pressed the petitioners, plaintiffs of the suit, were obliged to first satisfy the trial court on the issue of limitation.

After some hearing, the counsel for the petitioners submits he may be allowed to withdraw the present petition and instead approach the trial court for a proper decision on the application under Order 12 Rule 6 CPC on merits after the issue of limitation has been decided

upon in accordance with law.

The petition is dismissed as withdrawn with liberty as prayed granted. Appropriate application may be moved in the light of above before the additional district judge within a week hereof.

Dasti, under the signatures of Court Master.

R.K.GAUBA, J

JANUARY 02, 2018

srb