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

+ RFA 27/2018 and C.M. Nos.1113/2018 (stay), 1114/2018 (for condonation of delay) & 1115/2018 (exemption)

SUNNY BHATIA

..... Appellant

Through: Mr. Aman Preet Singh, Advocate
with Ms. Arpita, Advocate.

versus

VIJAY KUMAR GRIDHAR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **11.01.2018**

1. After arguments this appeal is rightly prayed for not being pressed inasmuch as the real remedy of the appellant/defendant is to challenge the order dated 13.12.2017 by which the application filed by the appellant/defendant under Order 9 Rule 13 of Code of Civil Procedure, 1908 (CPC) has been dismissed.

2. Accordingly, this appeal is disposed of as not pressed with liberty to the appellant/defendant to challenge the order dismissing his application under Order 9 Rule 13 CPC. Since the appeal is withdrawn at

the initial stage, in view of Section 16-A of the Court-fees Act, 1870 (as applicable to Delhi), appellant/defendant be refunded 50% of the court fee. Registry will issue the necessary certificate in favour of the appellant.

VALMIKI J. MEHTA, J

JANUARY 11, 2018
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