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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 3467/2015

SH RAM KANWAR @ RAM KUMAR Plaintiff
Through: Mr. Kuldeep Sherawat, Advocate.

versus

SH SANDEEP KUMAR & ORS Defendants
Through: Mr. Abhishek Sharma, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

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28.08.2018

I.A. 4630/2018 in CS(OS) 3467/2015

Present application has been filed under Order IX Rule 9 CPC for restoration of the suit to its original number.

In the present application, it has been averred that the counsel for plaintiff had noted a wrong date.

Learned counsel for defendants has no objection to the present application being allowed.

Consequently, with consent of parties, present application is allowed and the matter is restored to its original status.

I.A. 4625/2018 in CS(OS) 3467/2015

Keeping in view the averments in the application, delay in re-filing the application under Order XXIII CPC for withdrawal of the suit is allowed.

Accordingly, present application stands allowed.

I.A. 4624/2018 in CS(OS) 3467/2015

Present application has been filed under Order XXIII Rule 1 read with Section 151 CPC for withdrawal of the present suit with liberty to file a fresh suit.

In the present application, it has been averred that some properties were inadvertently not mentioned in the present suit for partition. It is further stated in the present application that neither the vacant and/or built up area in possession of the parties nor the approximate cost of construction or a map or the rental income had been mentioned in the present plaint.

Consequently, present application is allowed and the plaintiff is permitted to withdraw the present suit with liberty to file a fresh suit on the same cause of action.

With the aforesaid liberty, present suit stands disposed of.

MANMOHAN, J

AUGUST 28, 2018

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