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

+ C.R.P. 36/2018 & CM APPL. 5432/2018

CAPITAL LAND BUILDERS PVT LTD Petitioner

Through Mr. Vineet Jhanji and Imran
Moulaey, Advocates

versus

M/S SHAHEED MEMORIAL SOCIETY & ORS Respondents

Through Mr. Hem Kumar and Mr. Asish
Mohan, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **01.11.2019**

1. Petitioner impugns order dated 28.11.2017 and 31.01.2018 whereby the application of the petitioner under Order 7 Rule 11 CPC was rejected.

2. Learned counsel for the parties submit that subsequently the subject Suit was transferred to this Court by order dated 07.03.2019 to be tried along with other connected suits.

3. Learned counsels further submit that since similar issues are arising in all suits, subject application under Order 7 Rule 11 CPC, dismissed of by the impugned order dated 28.11.2017, with the consent of the parties, has been taken up for consideration afresh, however, with the understanding that the present revision petition would not be infructuous.

4. Learned counsels submit that the purport of the order is that the grounds raised by the petitioner in this petition and the defence of the respondent would remain alive and parties would be permitted to agitate all issues at the time of re-consideration of the application under Order 7 Rule 11 CPC.

5. In view of the above, the impugned orders dated 28.11.2017 and 31.01.2018 are set aside without expressing any opinion on merits. All rights and contentions of the parties are reserved.

6. The petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

NOVEMBER 01, 2019

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