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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(OS) 18/2017 & CM APPL. 11173/2017**
DR MAHESHWAR NATH SHARMA Appellant
Through **Mr. Deepak Dhingra, Ms. Geetanjali**
Tiwari, Ms. Miranda Solaman, Mr.
Harsimran Duggal, Advocates.

versus

DR MUKESH SHARMA (SINCE DECEASED) THR LEGAL
HEIRS & ORS Respondent
Through **Mr. Bhagat Singh, Advocate.**

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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03.09.2019

1. Learned counsel for the appellant states that the present appeal is directed against a preliminary decree dated 01.03.2017 passed in CS(OS) 2475/2007, a suit for partition instituted by the respondent/plaintiff. During the pendency of the present appeal, the learned Single Judge has passed a final decree on 26.04.2017, which is subject matter of R.F.A. (OS) No. 37/17.
2. In view of the aforesaid development, learned counsel states that he does not wish to press the present appeal. However, he reserves the right of the appellant to prosecute RFA (OS) No.37/17.

3. Leave as prayed for is granted. The present appeal is disposed of as withdrawn along with the pending application.

HIMA KOHLI, J

ASHA MENON, J

SEPTEMBER 03, 2019/MK