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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 651/2018 & CM APPL. 22983-22984/2018**
DR DIP BANERJEE Petitioner
Through: Mr. Vineet Chaudhary, Adv.

versus

DEEPAK GUPTA Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **09.01.2019**

Vide the present petition, the petitioner seeks to assail the impugned order dated 31.01.2018 of the Court of the ADJ-02, South-East in CS 1006/17 whereby an application under Order 39 Rule 1 & 2 of the CPC filed by the plaintiff thereof arrayed as the petitioner to the present petition - was dismissed.

At this stage, in view of the factum that the said order is appealable in terms of Order 43 Rule 1(R) of the CPC, 1908 (as amended), learned counsel for the petitioner seeks liberty to withdraw the present petition to seek redressal in accordance with law by filing an appeal against the said impugned order. The petition is thus dismissed as withdrawn with liberty granted as prayed with the petitioner being directed to file an appeal, if the petitioner so seeks to file, against the impugned order dated 31.01.2018 by the date 31.01.2019.

ANU MALHOTRA, J
JANUARY 09, 2019/vm