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

+ C.R.P. 194/2018 & CM No. 37317/2018

JAGESHWAR DAYAL

..... Petitioner

Through: Mr Ram Sewak, Advocate.

versus

K K KAPOOR

..... Respondent

Through: Mr Kundan Lal and Mr Harsh Sinha,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.08.2019**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 27.07.2018 passed by the learned ADJ-03, West District in Suit No.613157/2016, allowing the respondent's application under Order VII Rule 10, CPC and directing that the original plaint be returned after keeping the certified copies of the same on record.
2. At the outset, learned counsel appearing for the respondent points out that the present petition is not maintainable, as the petitioner has a right to appeal under Order XLIII Rule 1, CPC against any order passed under Order VII Rule 10, CPC.
3. The aforesaid contention is merited. The present petition is not maintainable. The same is, accordingly, dismissed.
4. The pending application is disposed of.

VIBHU BAKHRU, J

AUGUST 14, 2019/MK