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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CM(M) 2/2019 & CM APPL. 73-74/2019  
M/S FLINT GROUP INDIA PVT LTD ..... Petitioner  
Through Mr. Anand Mishra, Mr. Hemant  
Kumar, Ms. Sakhi Jain, Advs.

versus

M/S JAGRAN PRAKASHAN ..... Respondent  
Through None.

**CORAM:**  
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

% **07.01.2019**

**CM APPL. 73/2019**

Exemption allowed subject to all just exceptions.

The application is disposed of.

**CM APPL. 74/2019**

This CM APPL. 74/2019 has been filed on behalf of the petitioner seeking condonation of 78 days in re-filing the petition. For the reasons explained in the application, the condonation of 78 days in re-filing the petition is condoned.

The application is disposed of.

**CM(M) 2/2019**

At the outset, learned counsel for the petitioner seeks liberty to withdraw the present petition seeking permission to file it afresh after modification of the prayer clause in the petition submitting *inter alia* to the

CM(M) 2/2019

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effect that the petitioner had sought the setting aside of the entire impugned order dated 05.07.2018 of the learned Trial Court of the ADJ-04, SE, Saket, New Delhi in CS No. CS-9714/16 whereas the prayer that was sought to be made was indeed to the effect that the publication directed vide the impugned order be set aside.

In the interest of justice, the petition is dismissed as withdrawn with liberty granted as prayed with a further specific observation however in view of the copy of the plaint in the suit placed on record as Annexure-P2 (colly) to the petition that it makes no mention of the specific averment as required in terms of the Order 37 Rule 2(1)(b) of the CPC to the effect that no relief within the ambit of Order 37 CPC has been claimed therein.

Copy of this order be sent to the learned Trial Court.

**ANU MALHOTRA, J**

**JANUARY 07, 2019/MK**