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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 67/2020 & CM APPL.4798/2020 & 4799/2020

AMIT KRISHNATRY

..... Appellant

Through: Mr.S.C.Singhal, Advocate.

versus

SURESH KUMAR & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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05.02.2020

Petitioner impugns order dated 07.12.2019 whereby the application filed by the appellant under Order 39 Rule 4 CPC has been dismissed.

Learned counsel for the appellant submits that an ex-parte injunction order was obtained by the respondent Nos.1 to 5 without disclosing that in an earlier suit filed against respondent No.6 and his father, an application for injunction had been dismissed.

Learned counsel submits that the application under Order 39 Rule 1 & 2 CPC is still pending and has not yet been disposed of. He submits that in case direction are issued to the Trial Court to dispose of the application under Order 39 Rule 1 & 2 CPC, he shall not press his petition and would reserve his rights to raise all permissible pleas in response to the application under Order 39 Rule 1 & 2.

In view of the above, the appeal is dismissed as withdrawn.

Trial Court is directed to expeditiously dispose of the application under Order 39 Rule 1 & 2, if not already disposed of.

Order *dasti* under the signature of the Court Master.

FEBRUARY 05, 2020/rk

SANJEEV SACHDEVA, J