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

+ **CS(OS) 2252/2014**

GOPAL PRASAD

..... Plaintiff

Represented by: Ms.Kanika Agnihotri, Advocate &
Mr.Amer Vaid, Advocate with
Ms.Madhu Aggarwal, sole legal heir
of the deceased-erstwhile plaintiff in
person (through video conferencing).

Versus

M/S METAL FORGINGS PVT. LTD. & ANR. Defendant

Represented by: None

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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17.08.2020

The hearing has been conducted through Video Conferencing.

I.A. 6640/2020 (exemption from filing attested affidavit and court fee)

1. By this application, the plaintiff/applicant had sought exemption from filing the affidavit and Court fee in support of IA 6639/2020 under Order XXIII Rule 1 CPC.
2. After the last date of hearing, the plaintiff/applicant has filed the affidavit in support of IA 6639/2020, hence, the present application is disposed of. The Court fees in support of the application be filed within two weeks from today.
3. Application is disposed of.

I.A. 6639/2020 (under Order XXIII Rule 1 CPC-withdrawal of suit)

1. By this application, the sole legal heir of the deceased-plaintiff Gopal Prasad i.e. his wife Smt. Madhu Aggarwal seeks withdrawal of the suit.
2. As per the affidavit filed by Smt. Madhu Aggarwal, Gopal Prasad passed away on 22nd November, 2016 and the deponent i.e. Smt. Madhu Aggarwal is the sole legal heir of the deceased. It is also stated that after the death of Sh. Gopal Prasad, the deponent filed an application being IA 10621/2017 for impleadment as plaintiff which was allowed by this Court vide order dated 14th September, 2017. Thus, the present plaintiff Smt. Madhu Aggarwal seeks withdrawal of the suit, inter alia, seeking a decree of declaration of title and ad-interim injunction in respect of the suit property.
3. Ms. Madhu Aggarwal, sole legal heir of the deceased-plaintiff is present in person through video conferencing. It is stated that the parties made efforts to explore the possibility of a settlement and finally, they have succeeded in settling their disputes amicably and so the present plaintiff/applicant seeks leave to withdraw this suit.
4. Application is disposed of permitting the legal heir of the deceased i.e. Smt. Madhu Aggarwal, the present plaintiff to withdraw the suit.

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1. In view of the facts noted above, the suit is dismissed as withdrawn.
2. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

AUGUST 17, 2020
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