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

+ CS(OS) 3518/2014

I.A. 22848/2014 (under Order XXXIX Rule 1 and 2 CPC)

DINESH SAREEN & ANR. Plaintiff

Represented by: Ms.Meena Kohli, Advocate.
Plaintiff in person through video
conferencing.

versus

NAVIN SAREEN & ORS. Defendants

Represented by: Ms.Hetu Arora Sethi and
Mr.Abhimanyu Verma, Advocates for
defendant Nos.1 to 5.
Mr.Vaijyant Khanna, Advocate for
defendant No.7.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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26.08.2020

The hearing has been conducted through Video Conferencing.

I.A. 6973/2020 (exemption from filing attested affidavits)

1. By this application, plaintiffs sought exemption from filing the attested affidavits in support of this application and I.A. 6971/2020 (under Order XXIII Rule 1 CPC).
2. Since the plaintiffs sought to withdraw the suit by I.A. 6971/2020, without any affidavit or the personal presence of the plaintiffs, suit cannot be permitted to be withdrawn. Therefore, the two plaintiffs are present through video conferencing and plaintiff No.2 has also executed a letter of authority in favour of plaintiff No.1. Plaintiffs are therefore exempted from filing the

attested affidavits.

3. Application is disposed of.

I.A. 6971/2020 (under Order XXIII Rule 1 CPC)

1. By this application, plaintiffs seek leave to withdraw the suit.

2. The present suit which had been filed by the plaintiffs seeking partition and permanent injunction in respect of property bearing No.A-33, Vishal Enclave, New Delhi-110027 was at the stage of examination of the plaintiffs' witnesses.

3. Plaintiffs had also filed CS(OS) No.2051/2012 wherein a final decree of partition dated 6th February, 2020 has been passed wherein the parties have agreed to partition the property in terms of the report of the learned Local Commissioner.

4. In view of the fact that the parties have arrived at a settlement and the plaintiffs who are present in Court through video conferencing, duly identified by the learned counsel, are permitted to withdraw the suit.

5. Application is disposed of.

CS(OS) 3518/2014

I.A. 22848/2014 (under Order XXXIX Rule 1 and 2 CPC)

1. Suit and application are dismissed as withdrawn.

2. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

AUGUST 26, 2020

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