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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 89/2024 & CM APPL. 6819/2024 and CM APPL. 6820/2024**

SURENDER KUMAR GOYALAppellant

Through: Mr. Ankit Mukheja, Adv.

versus

SAVITRIRespondent

Through:

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER
31.07.2024

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1. The prayer made in the present Appeal reads as follows:
“a.. Allow the present appeal and may set aside the impugned order dated 04.01.2024 passed by Sh. Somitra Kumar, Ld. ADJ in case titled as “Surender Kumar Goyal vs. Savitri” (CS DJ No. 933/2018) vide which the Ld. ADJ had decided the issue of maintainability and rejected the plaint in exercise of power under Order VII Rule 11 of The Code of Civil Procedure, 1908 for lacking cause of action as well as being barred by law...”
2. The challenge of the present Appeal is to an order dated 04.01.2024 by which the learned Trial Court has rejected the plaint under Order VII Rule 11 of Code of Civil Procedure, 1908 for not disclosing cause of action as well as being barred by law.
3. Learned Counsel for the Appellant seeks to withdraw the present Appeal with liberty to file an appropriate Appeal challenging the decree as well.
4. The Appeal is accordingly dismissed as withdrawn with the liberty as



prayed for.

5. All pending Applications stand disposed of.
6. Parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JULY 31, 2024/SA

[Click here to check corrigendum, if any](#)