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

+ **CS(OS) 149/2024**

SHRI KRISHAN GOEL

..... Plaintiff

Through: Mohd. Haris Taslim, Advocate.

versus

VIRENDER GOEL & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

27.03.2024

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I.A. 7010/2024

CS(OS) 149/2024

By way of I.A. No. 7010/2024 filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks leave to withdraw the suit with liberty to file afresh, stating that there are certain inherent defects in the plaint which cannot be cured by way of amendment.

For the record, I.A. No. 6164/2024 under Order VI Rule 17 CPC filed by the plaintiff seeking amendment of the plaint, was allowed *vide* last order dated 15.03.2024.

Be that as it may, the application is allowed; the suit is disposed-of as withdrawn, with liberty as prayed-for.

Pending applications, if any, also stand disposed-of.



However, it is directed that if the plaintiff files a fresh suit, he will also file therewith a copy of the plaint filed in the present matter.

Considering that the suit was at the absolute threshold, and no proceedings had taken-place so far, the court-fee affixed on the plaint is also directed to be refunded in its entirety.

The Registry is directed to draw-up the requisite certificate in favour of the plaintiff, within 02 weeks.

The date of 22.05.2024 given earlier, stands cancelled.

ANUP JAIRAM BHAMBHANI, J

MARCH 27, 2024

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