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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 141/2022 & CM APPL. 23471/2022**
VIRENDER BENIWAL AND ORS

.....Appellant

Through: None.

versus

SURENDER SINGH AND ORS

.....Respondent

Through: R-1 in person.
Mr. Harish Chand with Ms. Poonam B
Sharma, Advocate for R-7.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
25.10.2024

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1. None appears on behalf of appellant.
2. The challenge in the present appeal is to one order dated 09.02.2022, passed by learned Trial Court whereby an application moved by plaintiff under Order XXXIX Rule 1 and 2 of CPC was dismissed.
3. However, it has been informed by the learned counsel for respondent that the present appeal has become infructuous and nothing is pending before the learned Trial Court anymore as the suit as such has been rejected by the learned Trial Court vide order dated 01.08.2024.
4. An attested copy of the said order has also been placed.
5. Since the above said suit has already been rejected, in view of the above said peculiar development, the present appeal has become infructuous and the same stands disposed of.

FAO 141/2022

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6. Needless to say, at any later stage if the above said order dated 01.08.2024 is set aside, the appellant herein would be at liberty to revive the present proceedings.

MANOJ JAIN, J

OCTOBER 25, 2024/sw