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

+ C.R.P. 74/2021 & CM APPL. 38614/2021

KESHAV LAL DUA & ANR.Petitioners

Through: Mr. Manish Gandhi & Mr.
Ayush Kumar, Advs.

versus

RAJESH KUMAR MALHOTRA & ORS.Respondents

Through: Mr. Shiv Charan Garg & Mr.
Imran Khan, Advs. for R1.
Mr. Rishav Ambastha, Adv. for
R3.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER
09.10.2024

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1. Having heard the learned counsel for the parties in some detail, learned counsel for the petitioner requests that he may be allowed to withdraw the present petition with the liberty to take all necessary grounds for challenging the maintainability of the suit of the respondent/plaintiff as also for setting aside or variation of the interim orders passed by the learned Trial Court for which an application under Order XXXIX Rule 4 CPC is already *sub judice* before the trial court.

2. Mr. Shiv Charan Garg, learned counsel appearing for the respondent no.1 has no objection.

3. Accordingly, the present petition is disposed of with the liberty to the petitioner to agitate the grounds which are indicated in the present petition afresh before the court concerned in accordance with



law.

4. It is provided that the trial court shall not be swayed by anything said or observed in the previous order dated 30.09.2021 passed by it, and if fresh submissions are advanced, it shall hear the same and decide in accordance with law.

5. The instant revision petition is dismissed as withdrawn without prejudice to the rights and contentions of the parties.

DHARMESH SHARMA, J.

OCTOBER 9, 2024
Ch/Sa