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

+ **CS(OS) 538/2024 & I.A. 33217/2024**

SH. BHAJINDER SINGH

.....Plaintiff

Through: **Mr. Mahesh K. Chaudhary & Ms.
Sushmita Chaudhary, Advocates**

versus

SH. JASPAL SINGH & ORS.

.....Defendant

Through: **Mr. Maninder Jeet Singh, Advocate
for D-1 with D-1 in person**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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15.07.2024

1. Learned counsel for defendant no. 1 has entered appearance along with defendant no. 1. He states that Mrs. Pritpal Kaur, who has been arrayed as defendant no. 4, died on 21.08.2022. He has handed over the copy of her death certificate, the same is taken on record. He states that, therefore, the present suit instituted in the name of defendant no. 4 is not maintainable. He states that late Mrs. Pritpal Kaur is survived by her three Class I legal heirs i.e., a son and two daughters. He states that the details of the said Class I legal heirs will be communicated via e-mail to the counsel for the plaintiff within three days.

2. After some arguments, learned counsel for the plaintiff seeks permission to withdraw the present suit with liberty to file a fresh suit on the same cause of actions as the suit in its present form suffers from formal defects which would make it fail.



3. The present suit is accordingly dismissed as withdrawn, however, liberty is granted to the plaintiff to file a fresh suit on the same cause of action in accordance with law.
4. Pending application, as well stand disposed of.

MANMEET PRITAM SINGH ARORA, J

JULY 15, 2024/msh/AKT