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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3045/2024 & CM APPL. 42688-42689/2024**
DINESHPetitioner

Through: Mr. Mukesh Birla, Advocate
versus

SUSHILA DEVI & ORS.Respondent

Through: Ms. Anita Sahani, Mr. Shivom GArg
and Ms. Meenu, Advocates for R1 &
R2
Mr. Sharique Hussain, Advocate for
R-4

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
16.08.2024

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1. Petitioner is plaintiff before learned Trial Court and vide order dated 06.10.2023, his suit was dismissed being barred by limitation.
2. Petitioner-plaintiff also filed an application seeking review which has also been dismissed.
3. Apparently, since the suit as such has been dismissed and now nothing is pending before the learned Trial Court, first appeal against such dismissal is maintainable.
4. Learned counsel for the respondents also admits the aforesaid scenario.
5. In view of the above, learned counsel for petitioner seeks permission to withdraw the present petition with liberty to file appropriate Regular First Appeal.
6. Petition is dismissed as withdrawn. Liberty, as prayed, is granted.

MANOJ JAIN, J

AUGUST 16, 2024/dr