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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3082/2024 & CM APPL. 43509-43510/2024**
SHARMILA DUTTA

.....Petitioner
Through: Mr. Manish Raghav, Advocate.

versus

CDR. TAPOBRATA DUTTA

.....Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **01.08.2024**

1. Petitioner is respondent before the learned Trial Court and is aggrieved by order dated 02.05.2024 whereby his application moved under Order XVIII Rule 17 read with section 151 of CPC seeking recall of PW-1 was dismissed in default.
2. It was, specifically, asked from the learned counsel for petitioner whether he moved an application seeking restoration of such application or not.
3. The answer is, however, in negative.
4. After hearing the arguments for some time, learned counsel for petitioner states that he may be permitted to withdraw the present petition with liberty to move appropriate application seeking restoration of the aforesaid application.

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5. Since the case is at the stage of final arguments, let the application be moved without any further delay and it is expected that if such application is moved, the learned Trial Court would hear and dispose of the same in accordance with law.

MANOJ JAIN, J

AUGUST 1, 2024/sw