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

+ **C.R.P. 331/2023 & CM APPL. 58782/2023**

HEM CHANDER Petitioner
Through: **Mr. Anuroop P.S., Adv.**

versus

MANISH KUMAR AND ANR Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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01.03.2024

CM APPL. 58783/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present revision petition, petitioner, who is the defendant in the suit pending before the learned Trial Court filed by the respondent/plaintiff, is assailing the impugned order dated 02.09.2023, whereby his application filed under Order VII Rule 11 CPC was dismissed.

4. After some arguments, learned counsel appearing for the petitioner/defendant seeks permission to withdraw the instant petition with liberty to seek leave by filing an application under Section 10 CPC before the learned Trial Court.

5. Accordingly, the petition is dismissed as withdrawn with the aforesaid liberty. The pending application also stands dismissed.



6. Nothing contained in this order shall tantamount to an expression of opinion on the merits of the case pending before the learned Trial Court. In case, the petitioner seeks relief under Section 10 CPC, the learned Trial Court shall decide the same as per law.

7. A copy of this order be sent to the learned Trial Court for information and necessary compliance.

DHARMESH SHARMA, J.

MARCH 1, 2024/ck