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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1736/2019 & CM APPL. 52372/2019**

NUTAN DEVI

.....Petitioner

Through: Mr. Rais Farooqui with Mr. M Imran
Malik and Mr. Ali Quaddari,
Advocates with petitioner in person.

versus

RAM BRIJ NAGAR

.....Respondent

Through: Mr. Bharat Deep Singh with Mr.
Dipanshu Tomar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

27.09.2024

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1. Heard.

2. The petitioner is plaintiff before the learned Trial Court and is aggrieved by the order rejecting his plaint for the reason that it does not disclose any cause of action.

3. Since the suit has been rejected, in terms of Section 2(2) of CPC, it amounts to a decree and, therefore, against such decree, the petitioner can always maintain an appeal in terms of Section 96 of CPC.

4. After hearing arguments for some time, learned counsel for petitioner states that under some *bonafide* assumption, the present petition had been filed before this Court and supplements that he may be permitted to withdraw the present petition with liberty to file appropriate appeal in this regard.

5. The petition is dismissed as withdrawn. Liberty, as prayed, is granted.

MANOJ JAIN, J

SEPTEMBER 27, 2024/sw