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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 285/2024 & CM APPL. 52264-52265/2024**

SMT KALAWATI

.....Appellant

Through: Mr. Vijay Kumar Dwivedi and Mr. Shiv
Kumar Kushwaha, Advocates.

versus

SAHAB SINGH @ SHABU

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

09.09.2024

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1. The present appeal has been filed under Order XLIII Rule 1 CPC challenging order dated 7th May, 2024 passed while dealing with application under Order XXXIX Rule 2A read with Section 151 CPC.
2. However, the impugned order dated 7th May, 2024 also records that even the suit of the plaintiff has been dismissed.
3. Since no proceedings are pending and the suit of the plaintiff, as such, is dismissed, the plaintiff is always competent to maintain a Regular First Appeal and can also impugn the order which is challenged by filing the present appeal.
4. After hearing arguments for some time, learned counsel for the appellant states that he may be permitted to withdraw the present appeal and as per the instruction which he has taken from his client, he would file Regular First Appeal in accordance with law.
5. The present appeal is, accordingly, dismissed as not pressed. All the rights and contentions of the parties are reserved.

MANOJ JAIN, J

SEPTEMBER 9, 2024/ss