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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3413/2024 & REVIEW PET. 366/2024 & CM APPL.**
58361-58362/2024

VINOD KUMAR ARORA

.....Petitioner

Through: Mr. M. Azam Ansari, Advocate.

versus

SURENDER KUMAR ARORA SINCE DECEASED THROUGH
LRS VIKAS ARORA AND ANAMIKA ARORA & ORS.

.....Respondent

Through: Ms. Ranjana Arora, R-3 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
04.10.2024

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1. An application seeking review of order dated 01.10.2024 has been filed.
2. Since there is no error apparent on the record, there is no reason to review the order and, therefore, such application is dismissed.
3. However, at the request of the learned counsel for petitioner, the substantive petition i.e. CM (M) 3413/2024 has been taken up.
4. Respondent No. 3 is also present in person.
5. It is noticed that the learned Trial Court has already fixed up the matter for pronouncement of judgment for tomorrow i.e. 05.10.2024 and the suit in question is, reportedly, very old, 27 years to be precise.
6. Learned counsel for petitioner, in the present petition has challenged

CM(M) 3413/2024

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order dated 09.07.2024 whereby the learned Trial Court, while recording the evidence directed the concerned counsel not to ask any question on a fact which were beyond the pleadings of the written statement of defendant No. 4 and it was also observed that the contents of the affidavit of said witness i.e. defendant No. 4 (petitioner herein) which were beyond the pleadings “*shall be considered struck off*”.

7. After hearing arguments for some time, learned counsel for petitioner states that without prejudice to his rights and contentions, he seeks to withdraw the present petition with liberty to challenge the order impugned herein i.e. order dated 09.07.2024, if eventually, he is constrained to challenge the final order to be passed in the above said suit.

8. In view of the above said statement made by Mr. Ansari, learned counsel for petitioner, the present petition is disposed of as not pressed.

9. Liberty, as prayed, is granted.

10. The next date stands cancelled.

MANOJ JAIN, J

OCTOBER 4, 2024/sw