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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3537/2024 & CM APPL. 58400-58401/2024**
BHAGIRATHI RAWAT

.....Petitioner

Through: Mr. Amit God, Advocate.

versus

SMT AVINASH AND ANR

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

04.10.2024

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1. Petitioner is plaintiff before the Court of learned Civil Judge and has impugned an order whereby his application filed under Order XXXIX Rule 10 CPC has been dismissed.
2. Any order passed under Order XXXIX Rule 10 CPC can be challenged by filing an appeal under Order XLIII Rule 1 (r) CPC.
3. Since there is a specified remedy of filing an appeal, the present petition is neither maintainable nor entertainable.
4. Learned Counsel for petitioner, in view of the above, states that he may be permitted to withdraw the present petition. He also states that he would also file an appropriate appeal before the Competent Court.
5. The present petition is, accordingly, disposed of as not pressed.
6. In view of the above, all the rights and contentions of parties are reserved.

MANOJ JAIN, J

OCTOBER 4, 2024/sw