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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3666/2024& CM APPL. 61906/2024**
SURINDER ANANDPetitioner

Through: Mr. Surinder Anand, Advocate.

versus

ITC LIMITED & ORS.Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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21.10.2024

1. The plaintiff is aggrieved by order dated 26.07.2024 whereby his suit has been rejected under Order VII Rule 11 CPC.

2. The learned Trial Court, while allowing the application moved by defendant, has rejected the plaint and has also directed the decree sheet be prepared accordingly.

3. Section 2(2) of CPC reads as under:-

“(2) "decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within section 144, but shall not include-

(a) any adjudication from which an appeal lies as an appeal from an order, or

(b) any order of dismissal for default.”

(emphasis supplied)

4. In view of the above, it is very clear that the petitioner herein is having an efficacious remedy by filing an appeal against the above said order.

5. After hearing arguments for some time, the petitioner, who is present in person, seeks permission to withdraw the present petition with liberty to file appeal before Competent Court of jurisdiction.

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6. The petition is, accordingly, disposed of as not pressed.
7. Liberty, as prayed, is granted.

MANOJ JAIN, J

OCTOBER 21, 2024/sw