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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 365/2024**

MOHD AKHTAR

.....Appellant

Through: Ms. Anupradha Singh, Adv.

versus

SATYAMUNI VERMA

.....Respondent

Through: Mr. Rajat Tanwar & Mr. Arun Kumar
Tanwar, Advs alongwith Mr. Deepak
Verma, LR of respondent.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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25.11.2024

CAV 572/2024

Since learned counsel for the Caveator appears, Caveat stands discharge.

CM APPL. 68605/2024 & CM APPL. 68606/2024 (Exemption)

Allowed, subject to all just exceptions .

Application stands disposed of.

CM APPL. 68607/2024 (Delay 37 Days in re-filing of petition)

FAO 365/2024 & CM APPL. 68604/2024 (Stay)

1. The appeal challenges the order dated 16.07.2024 whereby an application under Order IX Rule 13 CPC (read under Order IX Rule 7 CPC) has been dismissed by the learned Trial Court.
2. At the outset, learned counsel for the respondent has taken objection to the maintainability of the appeal on the ground that no appeal lies under



Order XXXXIII CPC against the dismissal of the application under Order IX Rule 7 CPC.

3. At this stage, learned counsel for the appellant seeks permission to withdraw the appeal.

4. The statement of learned counsel for the appellant is taken on record and in view of her statement made on behalf of the appellant, the appeal is dismissed as withdrawn.

RAVINDER DUDEJA, J

NOVEMBER 25, 2024

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