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

+ **C.R.P. 123/2025 & CM Appls.24319-20/2025**

RAJINDER KUMAR MARKAN

.....Petitioner

Through: Mr. Manish Sindwani, Mr. Babban
Bhai, Advs.

versus

VIJAY BALA (DECEASED) THROUGH LRS

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

25.04.2025

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1. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 (CPC) impugning the order dated 07.04.2025 [hereinafter referred to as "Impugned Order"] passed by the learned District Judge-01 (West), Tis Hazari Courts, Delhi. The Impugned Order seeks to challenge an Application seeking waiver of cost imposed on the Petitioner.
2. The Impugned Order is not subject to challenge under the provisions of Section 115 of the CPC in terms of proviso thereof. Reliance in this regard is placed on the judgment of the Supreme Court in *Shiv Shakti Coop. Housing Society, Nagpur v. Swaraj Developers & Ors.*; (2003) 6 SCC 659.
3. Learned Counsel for the Petitioner seeks permission of the Court to withdraw the present Petition with liberty to file an appropriate proceeding in accordance with law. Liberty as sought for is so granted.
4. The Petition is accordingly dismissed as withdrawn. All pending Applications stand closed.
5. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

APRIL 25, 2025/r

[Click here to check corrigendum, if any](#)