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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 863/2025 & CM APPL. 27708-27709/2025**

RAKESH KUMAR

.....Petitioner

Through: Dr. Amit George, Advocate.

versus

SAROJ KUMARI SINCE DECEASED THROUGH LRS & ORS.

.....Respondents

Through: Ms. Chetna Rai, Advocate for
respondent No.3 (through V.C.)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

07.05.2025

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1. Petitioner is defending a suit which seeks permanent and mandatory injunction.
2. Written statement has already been filed by the contesting defendant (petitioner herein) and he is aggrieved by order dated 26.03.2025 whereby his application moved under Order VII Rule 11 CPC has been dismissed.
3. After hearing arguments for some time, Dr. Amit George, learned counsel for the petitioner, on instructions, submits that while reserving his rights and contentions, he does not press the present petition. He also submits that he has taken certain preliminary objections in his written statement and would make appropriate request to the learned Trial Court to frame requisite issues in terms of such preliminary objections. His only request is to the extent that since the



abovesaid application moved under Order VII Rule 11 CPC was dismissed on the basis of the averments made in the plaint, the learned Trial Court may be requested not to get prejudiced or influenced by such order, while considering framing of issues.

4. In view of the above, without prejudice to the rights and contentions of the petitioner, the present petition is disposed of as not pressed.

5. Liberty, as prayed, is granted and, therefore, learned Trial Court would be at liberty to frame issues in terms of the averments and the preliminary objections taken in the written statement without getting prejudiced by the impugned order.

6. All the pending applications also stand disposed of.

MANOJ JAIN, J

MAY 7, 2025
st/SS