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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.R.P. 172/2025 & CM Appl. 34305/2025**
SUCHIT PRASAD JAINPetitioner
Through: Mr. B.K. Pandey, Adv.

versus

ADUK SARAFRespondent
Through:

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **30.05.2025**

CM Appl.34304/2025[Exemption from filing certified copies]

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

C.R.P. 172/2025 & CM Appl. 34305/2025[Stay]

3. This Court had on 29.05.2025 passed the following order:

*“3. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as “CPC”] impugning the order dated 02.04.2025 [hereinafter referred to as “Impugned Order”] passed by the learned District Judge-03, East District, Karkardooma Court Complex, Delhi. By the Impugned Order, the Appeal which was filed under the provisions of Order XLIII Rule 1(d) of the CPC against the order dated 17.05.2024 passed in MISC/SCJ 113/2022 captioned **Aduk Saraf v. Suchit Prasad Jain** has been dismissed.*

4. None appears for the Petitioner today.

5. Since the Impugned Order relates to an Appeal filed against an order dated 17.05.2024, which dismissed an Application filed under Order IX Rule 13 of the CPC. The Petition is not maintainable in revisionary jurisdiction of this Court.”

4. Learned Counsel for the Petitioner appears today and submits that the present Petition has been wrongly filed before this Court and seeks



permission of the Court to withdraw the present Petition with liberty to file appropriate proceedings.

4.1 The liberty as sought for is granted albeit in accordance with law.

5. The Petition is dismissed as withdrawn. The pending Application also stands closed.

6. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 30, 2025/r

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