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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1213/2025, CM APPL. 40921/2025 & CM APPL. 40920/2025**

AMIT

.....Petitioner

Through: Mr. Yuvraj Jaisawal and Mr. Shivam
Patel, Advocates.

versus

RADHEY SHYAM KUMAR

.....Respondent

Through: Mr. Hitesh Aggarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **16.09.2025**

1. Petitioner assails order dated 11.06.2025 of the learned trial court, whereby the matter was posted for arguments under Order XXXVII CPC since the petitioner/defendant did not file application seeking leave to defend within the statutory period. It appears that summons for judgment were served at the address furnished by the petitioner/defendant in response to summons to enter appearance under Order XXXVII CPC, but the same returned unserved as the premises had got demolished.
2. After addressing partly, learned counsel for petitioner seeks permission to withdraw this petition with liberty to move appropriate application before the learned trial court.
3. Accordingly, the petition and the accompanying applications are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

SEPTEMBER 16, 2025/dr