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

+ **CM(M) 2039/2025 & CM APPL. 66029/2025**

SMT DAYAWANTI

.....Petitioner

Through: Mr. Gaurav Sharma and Mr. Gaurav
Tripathi, Advocates

versus

SH SURESH & ANR.

.....Respondents

Through: Mr. Prakash Khandelwal, Advocate
for R-1

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

20.12.2025

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1. Petitioner/appellant has assailed order dated 22.09.2025 passed by the learned appellate court, whereby application of petitioner/appellant for summoning the SDM or *Patwari* or the Surveyor to prove the demarcation report and the site plan was dismissed, holding that the *Patwari* has already been examined by the appellate court.
2. In the course of submissions, learned counsel for petitioner/appellant submitted that the report of the SDM, proved through *Patwari* is in favour of the appellant but in his cross-examination, AW1 could not admit or deny the suggestions that according to the site plan Ex. AW1/C, the demarcated building falls in *Khasra* No. 117/11/1 of village Palam. It is contended by learned counsel that the witness could not be called upon to make oral testimony of contents of the document. Further, it is also pointed out that at the time when the site plan, forming part of the demarcation report was exhibited as Ex. AW1/C, no objection of mode of proof was raised by the



other side.

3. Under these circumstances, after further discussion, learned counsel for petitioner/appellant, on instructions, seeks permission to withdraw this petition.

4. As requested, the petition and the accompanying application are dismissed as withdrawn.

GIRISH KATHPALIA, J

DECEMBER 20, 2025

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