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

+ **CM(M) 2272/2025 & CM APPL. 73949/2025**

SH. VIRESH CHOPRA

.....Petitioner

Through: Mr. Avinash, Advocate (*through
videoconferencing*).

versus

MR. THARVINDER SINGH NOW DECEASED THR LRS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

26.11.2025

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Matter taken up today as 25.11.2025 was declared a holiday on account of Guru Teg Bahadur's Martyrdom Day.

1. Petitioner/plaintiff no.1 has assailed order dated 23.12.2023 of the learned trial court, whereby the plaint was rejected under proviso to Order VII Rule 11 CPC mainly on the ground of the petitioner/plaintiff no.1 having not paid the deficient court fees despite grant of time since 14.09.2018. Besides, as regards plaintiff no.2, there is no representation in this petition.
2. Learned counsel for petitioner/plaintiff no.1 does not dispute that the impugned order is assailable only by way of an appeal.
3. Learned counsel for petitioner/plaintiff no.1 on instructions seeks permission to withdraw this petition with liberty to institute appropriate legal proceedings in accordance with law.



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 As requested, the petition and the accompanying application are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

NOVEMBER 26, 2025/dr