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

+ **CM(M) 16/2025**

RAM DHIRAJ TIWARI AND ANR

.....Petitioner

Through: **Mr. Tushar Kwatra & Mr. Shubham Aggarwal, Advocates**

versus

PHOOLWATI

.....Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

09.01.2025

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CM APPL. 723/2025 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 16/2025 & CM APPL. 722/2025 (Stay)

1. Present petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 17.09.2024 passed by the learned trial court.
2. Respondent filed a Suit for Permanent and Mandatory Injunction initially against appellant No. 1.
3. Learned counsel submits that appellant No. 1 filed written statement within the stipulated period. Thereafter, an application was filed by the



respondent under Order 1 Rule 10 CPC, which was allowed and appellant No. 2 was impleaded as defendant No. 2 in the civil suit. It is also submitted that the plaint of the respondent was also amended.

4. Admittedly, no written statement has filed by the appellants since the amendment of the plaint, and therefore, the trial court vide order dated 17.09.2024, taking note of the same, closed the opportunity of the appellants to file written statement.

5. Admittedly, appellants have not filed any application either for review of order dated 17.09.2024 before the trial court nor filed any other application for condonation of delay in filing the written statement or for extension of time for the said purpose.

6. After part submissions, learned counsel seeks permission to withdraw the present petition, stating that he would firstly approach the trial court by filing an appropriate application for review/extension of time for filing the written statement.

7. Statement made by the learned counsel is taken on record and petition is dismissed as withdrawn.

RAVINDER DUDEJA, J.

JANUARY 9, 2025

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