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

+ **CM(M) 124/2025**

JAI PRAKASHPetitioner

Through: Mr. Amit Alok, Adv.

versus

KAMLESH & ANR.Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **21.01.2025**

CM APPL. 3676/2025 (delay 91 days in filing of petition)

For the reasons stated in the application, delay of 91 days in filing the petition stands condoned.

The application stands disposed of.

CM APPL. 3675/2025(exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 124/2025, CM APPL. 3673/2025, CM APPL. 3674/2025

1. This petition has been filed under Article 227 of the Constitution of India seeking to set aside the order dated 13.06.2024 passed by the learned Vacation Judge-03, South West, Dwarka, New Delhi in *Civil Suit No. DJ/ADJ 540/2024* titled as *Kamlesh Vs. Jai Prakash and Ors.*

2. The learned Vacation Judge passed ex-parte ad interim order restraining the petitioner from interfering with peaceful possession of the



plaintiff with respect to the suit premises.

3. Learned counsel for the petitioner submits that the matter is listed before the learned Civil Judge today, and that written statement to the plaint and reply to the interim application under Order 39 Rules 1 and 2 CPC have yet not been filed.

4. After part submissions, learned counsel for the petitioner seeks permission to withdraw the present petition seeking liberty to file the written statement to the plaint and reply to the application under Order 39 Rules 1 and 2 CPC before the trial court and urge all the contentions before the learned trial court.

5. The statement made by the learned counsel is taken on record and the petition is dismissed as withdrawn with liberty as prayed for.

6. Copy of this order be given *dasti* under the signatures of the Court Master.

RAVINDER DUDEJA, J

JANUARY 21, 2025/ib/fs