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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2435/2025, CM APPL. 79835/2025 & CM APPL. 79834/2025**

RAJEEV JAIN & ANR.

.....Petitioners

Through: Mr. Siddhant Rai Sethi and Mr.
Mayank Gutpa, Advocates

versus

GULSHAN KUMAR JAIN (SINCE DECEASED)
THROUGH HIS LR

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

18.12.2025

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1. The petitioners/defendants have assailed order dated 04.11.2025 passed by the learned trial court, whereby defence was struck off on account of non-compliance with directions under Order XVA CPC. I am unable to find any infirmity in the impugned order. However, after addressing partly, learned counsel for petitioners on instructions of his client seeks permission to withdraw this petition with liberty to file an application before the learned trial court for permission to comply, though belatedly with the order passed under Order XVA CPC.

2. Accordingly, the petition and the accompanying applications are dismissed as withdrawn with liberty as sought. However, it is made clear that the liberty granted in this order may not be read by the trial court as approval granted by this Court *qua* the request.

GIRISH KATHPALIA, J

DECEMBER 18, 2025/'rs'