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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 101/2016 & I.A. No. 16170/2022**
NEERU DHIR AND OTHERS Plaintiffs
Through: Ms. Kirti Karishma Sarangi,
Advocate.
(M): 9818654010
Email: advocatereajivsinghpilarita@gmail.com
versus
KAMAL KISHORE AND OTHERS Defendants
Through: Mr. Nilava Bandhyopadhyay,
Advocate for defendant no. 1.
(M): 9560733323
Email: nilava@sandalawoffices.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **06.10.2022**

I.A. No. 16170/2022 (Application under Section 151 CPC on behalf of the defendants seeking listing of the present suit before this Hon'ble Court)

1. This is an application under Section 151 CPC on behalf of defendant no. 1 seeking listing of present suit before this Court.
2. It is case of parties that plaintiffs had initially instituted present suit for partition of property and permanent injunction.
3. The present suit was disposed of by this Court in application under Order VII Rule 11 CPC seeking rejection of plaint and dismissal of suit. The said application under Order VII Rule 11 was allowed and suit was dismissed vide order dated 23.05.2019.
4. Subsequently, plaintiff assailed the aforesaid order dated 23.05.2019 by which the plaint was rejected, in RFA (OS) No.



73/2019.

5. The Division Bench of this Court by its judgment dated 01.05.2020 allowed the said appeal being RFA (OS) No. 73/2019.

6. Appeal against the order of Division Bench dated 01.05.2020 was filed before Hon'ble Supreme Court being SLP (Civil) No. 11349/2020. However, the same also came to be dismissed by order dated 20.11.2020.

7. Thus, it is submitted that order passed by the Single Judge of this Court for dismissal of the present suit vide order dated 23.05.2019, stands set aside. In view thereof, the present suit has been restored to its original number.

8. Issue notice.

9. Notice is accepted by learned counsel for plaintiff, who reaffirms the submissions made in the present application.

10. In view of the aforesaid, the present application is allowed.

11. List the suit before the Joint Registrar for further proceedings on 28.10.2022.

12. The captioned application is disposed of.

MINI PUSHKARNA, J

OCTOBER 6, 2022

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