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

+ **CS(OS) 441/2016**

SHRI AKHIL KUMAR VASHNEY & ANR Plaintiffs

Through: Mr. Ashish Kapur, Adv.

versus

SHRI RAJIV KUMAR Defendant

Through: Mr. R.K. Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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27.02.2017

IA No. 2046/2017 (under Order 1 Rule 10 CPC read with Order 6 Rule 17 CPC on behalf of plaintiffs)

After some hearing, the learned counsel for the applicant/plaintiffs submits he may be allowed to withdraw this application under Order 1 Rule 10 CPC read with Order 6 Rule 17 CPC since the additional prayer clause sought to be added is not correctly worded and better pleadings need to be brought on record concerning the proposed third defendant.

The application is dismissed as withdrawn with liberty, as prayed for fresh application to be moved.

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It is noted that on the application under Order 1 Rule 10 CPC read with Order 6 Rule 17 CPC, notice was issued to the proposed additional defendant which, in the view of the Court, is wholly unnecessary. Such prayer is to be considered on the basis of the submissions of the parties already before Court.

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Be that as it may, the case shall be notified before the Joint Registrar for further proceedings inasmuch as the plaintiffs intend to move another application in terms of the liberty granted above.

Be notified before the Joint Registrar on 25th May, 2017.

R.K.GAUBA, J

FEBRUARY 27, 2017

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