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

+ CM(M) 95/2016

KULDEEP RAJ

..... Petitioner

Through Mr.M.S.Bammi, Mr. Ajay Sandhu and
Mr. Mukul Tomar, Advocates.

versus

NITIN JAIN

..... Respondent

Through

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **29.01.2016**

CM(M) 95/2016, C.M.No.3182/2016 & C.M. No.3183/2016

After some arguments, learned counsel for the petitioner seeks permission of this Court to withdraw the petition. His submission is that is a money decree of Rs.2,50,000/- along with interest. The impugned order while condoning the delay in filing the appeal had also stayed the impugned judgment. The appeal is yet to be considered by the Appellate Court and the next date fixed before the Appellate Court is 19.3.2016. The Appellate Court shall consider the submission made before this Court that since it is a money decree the appeal should not be heard unless a substantial part of the decreed amount be deposited by the non-applicant. This shall be considered by the Trial Court in correct perspective.

This petition is dismissed as withdrawn with the aforesaid directions.

INDERMEET KAUR, J

JANUARY 29, 2016/ndn