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

+ EFA(OS) 9/2016 and CM No. 9074-9075/2016

M/S PRAKASH ATLANTA JV Appellant

Through: Mr Chirag M. Shroff and Mr Ashwin Reddy, Advs.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA Respondent

Through: Sh. Pradeep. K. Bakshi and Ms. Prachi Vasisht Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **21.03.2016**

The present appeal is directed against an order dated 22.02.2016 of the learned Single Judge listing the matter on 26.04.2016. It is contended that the dismissal of the judgment debtor's appeal (FAO (OS) No.476/2016) was upheld by the Supreme Court which dismissed the Special Leave Petition (SLP(C) No.6853/2016) on 18.03.2016. In these circumstances, it is contended that there is no impediment with the continuation of proceeding in execution. We notice that the impugned order directed the respondent/judgment debtor to file objections; the appellant/decreed holder contends that the learned Single Judge ought to have directed the deposit of the decretal amount.

As the order *per se* is not appealable since it has not determined the rights and contentions of parties in any manner whatsoever, the

appellant is at liberty to approach the learned Single judge in the light of the later development for an early hearing of the proceedings and pass such orders as may be appropriate in the interest of justice.

Learned counsel seeks liberty to withdraw the appeal. The appeal along with pending applications is dismissed as withdrawn.

Dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

MARCH 21, 2016

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