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

+ **FAO(OS) 122/2016 & CM No. 14415/2016**

SANDHYA EDUCATION SOCIETY & ORS

..... Appellants

Through
versus

Ms Vidhi Gupta, Advocate

KAMLESH KUMARI & ORS

....Respondents

Through

Mr Ankit Jain, Advocate for respondent
Nos. 1 & 2.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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18.07.2016

CM No. 13724/2015

The learned counsel for the appellant does not press this appeal in view of the decision of the Division Bench in **Sukesh Behl & Anr. (Maj Retd) v. Koninklijke Philips Electronics NV :2016 III AD (DELHI) 315** wherein it has been held that an order made under Order 11 Rule 14 CPC is not a judgment and, therefore, was not appealable. Such a judgment would not satisfy the test as laid down in the **Shah Babulal Khimji v. Jayaben D. Kania: (1981) 4 SCC 8.** However, the learned counsel for the appellant requests that the application under Order 7 Rule 11 CPC being IA No. 13724/2015 be decided early.

The appeal is dismissed as not pressed. We, however, request the learned Single Judge to dispose of the appellant's application under Order 7 Rule 11 CPC at an early date.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

JULY 18, 2016

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