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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA No.551/2013 & CM No.16419/2016 (under Order 23 Rule 1 of
the CPC).
MOHD. JALIL USMANI Appellant
Through: None.
versus

MOHD. SHAKIL USMANI & ANR. Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **04.05.2016**

1. The appeal impugns the final judgment and decree dated 23rd July, 2013 of the Court of the Additional District Judge (ADJ)-03 (Central), Delhi in Suit No.13/09/2010 for rendition of accounts holding that though a preliminary decree for accounts was passed in favour of the appellant/plaintiff but the appellant/plaintiff had failed to prove that he is entitled to any amount.
2. The appeal was admitted for hearing and ordered to be listed in the category of '*Regulars*'.
3. CM No.16419/2016(under Order 23 Rule 1 of the CPC) has been filed for withdrawal of the appeal.
4. Though none appears for the appellant but the application is purported to be signed by the appellant and his Advocate and is accompanied with the affidavit of the appellant.
5. The appellant seeks to withdraw the appeal in view of the settlement arrived at with the respondent no.1. The affidavit of respondent no.1 is also

filed along with the appeal.

6. It is not deemed expedient to adjourn the matter awaiting the counsel for the appellant.

7. CM No.16419/2016 is allowed.

8. The appeal is dismissed as withdrawn.

No costs.

RAJIV SAHAI ENDLAW, J

MAY 04, 2016

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