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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 522/2013**
M K MODI

..... Appellant
Represented by : Mr.Gaurav Mitra, Ms.Manmeet
Kaur, Mr.Yogender Misra and
Mr.Yashvardhan Bandi, Advs.

versus

DK MODI AND ORS

..... Respondent
Represented by : Mr.Saurabh Kirpal,
Ms.Jayashree Shukla,
Mr.Nilesh Kumar and
Ms.Saloni Choudhry, Advs. for
R-1
Mr.Sudhanshu Batra, Sr. Adv.
with Mr.Pravin Bahadur,
Ms.Mallika Joshi, Mr.Kishan
Rawat, Mr. Rajan Narain,
Advs. for KK Modi

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
08.11.2016

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1. Learned counsel for the appellant states that on instructions being received from the appellant not to press the instant appeal for the reason, concerning the points raised in the application filed for rejection of the plaint issues have been settled and matter currently awaits recording of evidence.

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2. The appeal is accordingly dismissed as not pressed clarifying that after the evidence is recorded such issues which find a reflection in the impugned order would be decided by the learned Single Judge as per law.
3. No cost.

PRADEEP NANDRAJOG, J.

YOGESH KHANNA, J.

NOVEMBER 08, 2016
VLD