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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **FAO(OS) (COMM) 44/2016 & CAVEAT Nos.530-533/2016 & CM**  
**Nos.23603-23605/2016**  
**PAWAN MALIK & ORS** ..... Appellants

Through: Mr. A.S. Chandhiok, Sr. Advocate with  
Mr. Ravi Varma, Mr. Abhishek Sharma  
and Mr. Shantanu Chaturvedi, Advocates

versus

**MODICARE LIMITED & ORS** ..... Respondents

Through: Mr. Sandeep Sethi, Advocate with Ms.  
Rajeshwari H. and Ms. Prachi Aggarwal,  
Advocates

**CORAM:**

**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

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**24.06.2016**

Mr. Chandhiok, learned Senior Counsel appearing on behalf of the appellants, on instructions from Mr. Abhishek Sharma, Advocate, seeks leave to withdraw this appeal with liberty to institute an appropriate proceeding, in accordance with law, namely, within the mandate of the provisions of Order 39 Rule 4 of the Code of Civil Procedure, 1908, in the first instance.

Leave and liberty granted.

The appeal is dismissed as withdrawn and disposed of accordingly. All pending caveats and applications also stand disposed of.

**SIDDHARTH MRIDUL**  
**(VACATION JUDGE)**

**A.K. PATHAK**  
**(VACATION JUDGE)**

**JUNE 24, 2016/dn**