

\$~6

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

+ **FAO(OS) 686/2015**

HARISH VIRMANI & ANR

..... Appellants

Represented by: Mr.Ravi Gupta, Sr. Advocate
with Mr.Deepak Khosla and
Ms.Bhoomija Verma,
Advocates

versus

ASHOK VIRMANI & ORS

..... Respondents

Represented by: Mr.Arvind Nigam, Sr. Adv.
with Mr.Rajdeep Panda,
Mr.Munawwar Naseem and
Ms.Pragya, Advs. for R-1
Mr.Naushad Ahmed Khan,
Adv. with Ms.Astha Nigam,
Adv. for R-2 & R-3

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

16.02.2016

1. Since impugned order has not conclusively opined upon whether suit filed by the respondents is within limitation, pleadings having been completed and the suit as well as IA 22467/2015 is listed before the learned Single Judge on March 15, 2016, counsel for the appellants seeks leave to withdraw the appeal for the reason the learned Single Judge has yet to consider the issue concerning limitation with the seriousness which it deserves after parties have completed their pleadings.

2. Dismissing the appeal as withdrawn we would simply observe that if on the next date of hearing the appellants press the issue concerning plaint to be rejected on account of the suit being barred by limitation the learned Single Judge would give a thought thereto and within the time constraint pronounce an authoritative opinion on the said issue.

3. No costs.

CM No.31919/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 16, 2016
km