

\$~4

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

+ **FAO(OS) 717/2015 & CM 32811/2015 (stay)**

M/S HELAMIN IMPEX PVT LTD

..... Appellant

Through : Mr Shanmuga Patro with Mr Tarun Kumar

versus

HELAMIN TECHNOLOGY HOLDING SA & ANR

..... Respondents

Through : Mr Pravin Anand with Mr Aditya Gupta and
Mr Vishnu Rege

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

05.01.2016

The learned counsel for the appellant seeks permission to withdraw this appeal. However, he reserves his right to make a claim for compensation in the event the appellant succeeds in the suit. We are not commenting on this claim which is proposed by the learned counsel for the appellant and that would be for the learned Single Judge to consider at the time of the conclusion of the trial.

We are also making it clear that the observations on the factual matters made by the learned Single Judge in the impugned judgment are, in any event, of a *prima facie* nature and would be subject to the final conclusions being arrived at after trial. The learned counsel for the appellant also requested that three months' time be granted for changing the name of the appellant, as directed by the learned Single Judge. The learned counsel for the respondent has agreed that three months' time may be given for the

change of name. This is without prejudice to the rights and contentions of the parties in the suit.

The appeal is dismissed as withdrawn with the above observations.

BADAR DURREZ AHMED, J

**JANUARY 05, 2016
SR**

SANJEEV SACHDEVA, J