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

+ **FAO(OS) 94/2016**

**U N BHARDWAJ**

..... Appellant

Through Mr. Ravi Gupta, Sr. Advocate with  
Mr. Anunaya Mehta and Mr. Akshay Deep  
Singhal, Advocates.

versus

**Y N BHARDWAJ & ORS**

..... Respondent

Through Mr. B.S. Maan and Mr. Vishal Maan,  
Advocates for R-2 to 5.

**CORAM:**

**HON'BLE MR. JUSTICE SANJIV KHANNA**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

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**14.09.2017**

Learned senior counsel appearing for the appellant on instructions seeks permission to withdraw the present appeal and submits that, if required and necessary, the appellant would impugn the order dated 5<sup>th</sup> October, 2015 in terms of Rule 1A Order XLIII of the Code of Civil Procedure, 1908. Counsel for the appellant also submits that they are entitled to raise the issue that the order dated 18<sup>th</sup> October, 2010 had disposed of the interim application and, therefore, the findings and observations therein including those on legal issues should not be treated as conclusive and final.

Counsel for the respondents submits that he would oppose any such contention raised by the appellant at the time of hearing.

We have merely recorded the statements made by the counsel

for the appellant and the respondents and not decided any contention or issue.

Recording the aforesaid statements, the present appeal is dismissed as withdrawn with liberty as prayed for to challenge the impugned order dated 5<sup>th</sup> October, 2015, if required and necessary, as per the provisions of Rule 1A to Order XLIII of the Code of Civil Procedure, 1908. There would be no order as to costs.

**SANJIV KHANNA, J**

**NAVIN CHAWLA, J**

**SEPTEMBER 14, 2017**  
**NA**