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

+ RSA 105/2017 and C.M. No.12886/2017 (stay)

R K SEHGAL

..... Appellant

Through: Mr. Rajesh Sharda, Advocate.

versus

M/S CASA HOSPITALITY & ANR

..... Respondents

Through: Mr. Ramesh Kumar, Advocate for
respondent No.1.
Mr. Ali Anwar, Advocate with Mr.
Varun Kapur, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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04.05.2017

1. After arguments, this appeal is disposed of as not pressed as the impugned judgment only remands the suit to the trial court for fresh decision inasmuch as the trial court by its judgment had decreed the suit under Order 12 Rule 6 of Code of Civil Procedure, 1908 (CPC) and the first appellate court has stated that suit could not have been decreed under Order 12 Rule 6 CPC but various other issues had to be considered. Though this appeal is disposed of as not pressed, this is without prejudice to respective rights and contentions of the merits of both the parties in the case.

2. Appeal is accordingly disposed of.

VALMIKI J. MEHTA, J

MAY 04, 2017/Ne