

\$~7.

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

+ **MAT.APP.(F.C.) 53/2017**

VIVEK RAINA KAMPASI Appellant
Through: Ms. Indu Kaul, Advocate

versus

DEEPIKA RAINA Respondent
Through: None

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **13.09.2017**

1. An affidavit of service has been filed by the appellant enclosing therewith a courier tracking report in respect of service sought to be effected on the respondent in the present appeal. As per the said tracking report, the respondent had received the summons on 31.08.2017.
2. As none had appeared for the respondent on the first call, the matter was passed over. Even on the second call, none is present on behalf of the respondent. The respondent is accordingly proceeded against *ex-parte*.
3. After addressing arguments for some time, learned counsel for the appellant states that instead of pressing the present appeal, she may be permitted to withdraw the same while reserving the right of the appellant to take legal recourse against the respondent for having failed to adhere to the MOU dated 15.09.2014, recording the terms of settlement arrived at between the parties, as may be available to him.

4. Leave, as prayed for, is granted. The appeal is dismissed as withdrawn.

HIMA KOHLI, J

DEEPA SHARMA, J

SEPTEMBER 13, 2017

ss/rkb/ap

