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

+ CO.PET. 435/2016

CAPITAL FIRST LTD. Petitioner
Through Mr. Sanjeev Singh and Mr. Tanuj
Agrawal, Advs.

versus

SYNAPSE COMMUNICATIONS PVT. LTD. Respondent
Through Mr. Ashish Dholakia, Adv. with
Mr. Sandeep Das, Mr. Rohan Chawala and
Ms. Gayathri, Advs.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
02.11.2017

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CA No. 1516/2017

This application is filed seeking permission to withdraw the present company petition “with liberty to file fresh”.

Learned counsel for the respondent has opposed the present application. He relies upon the orders of this court dated 02.05.2017 to submit that the petitioner had undertaken in a contempt application filed by the respondent to withdraw the application under Section 14 of the SARFAESI Act that was filed before the CJM, Gautam Budh Nagar. He submits that there has been no compliance of the order dated 02.05.2017 and hence, as the petitioner are in contempt of the orders of this court, this application for withdrawal cannot be allowed. He relies upon a print out taken from the internet to support his submission that the application is

pending before CJM Gautam Budh Nagar, U.P.

Learned counsel for the petitioner has in court today handed over a copy of the order dated 11.05.2017 where the CJM, Gautam Budh Nagar noted that the application filed by the petitioner is withdrawn.

I may also note that learned counsel appearing for the petitioner has emphatically submitted that the application under Section 14 of the SARFAESI Act filed before the CJM, Gautam Budh Nagar has been withdrawn and no such petition is pending before the said court. He also points out that in para 7 of the application, the petitioner has averred about having withdrawn the said application under Section 14 of the SARFAESI Act which application is supported by an affidavit of the authorised officer of the petitioner company.

Keeping in view the above averments, in my opinion, the plea raised by the respondent cannot be accepted to deny the relief in the present application.

The application is accordingly allowed.

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Petition is dismissed as withdrawn.

The petitioner is free to take steps as per law. All rights and contentions of the parties are left open.

All pending applications also stand dismissed.

JAYANT NATH, J

NOVEMBER 02, 2017

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