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

+ **CO.APP. 6/2017**

V.K. SHARMA & ANR.

..... Appellants

Through: Mr. Sudhir K. Makkar, Sr. Advocate
with Ms. Saumya Gupta, Advocate and Ms. Anita
Sharma, appellant No.2 in person.

versus

DINESH KUMAR GOYAL & ORS.

..... Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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10.04.2017

1. Mr. Makkar, learned Senior Advocate appearing for the appellants states on instructions from the appellant No.2 that her name may be deleted from the array of the parties as she is not a party before the Company Judge in CCP(CO.) 5/2006.
2. Ordered accordingly. The name of the appellant No.2 is deleted from the array of parties.
3. The appellant is aggrieved by the order dated 21.03.2017 passed by the Company Judge in CCP(CO.) 5/2006, filed by the respondent No.3 against the appellant, respondent No.1 and some others.
4. Vide order dated 21.03.2017, the learned Company Judge has issued notice to the petitioner (respondent No.3 herein) in the contempt petition to
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show cause as to why the contempt petition be not dismissed on account of default and non-prosecution returnable for 15.05.2017.

5. Having regard to the fact that except for simply issuing a notice to show cause to the petitioner in the contempt petition, no adverse order of any nature has been passed, we are of the opinion that the present appeal assailing the order dated 21.03.2017, is not maintainable.

6. Counsel for the appellant states that he may be permitted to withdraw the present appeal while reserving the right of the appellant to take all the pleas as taken in the present appeal before the Company Judge to back his submission that the contempt petition may not be dismissed in default and may continue to be heard and decided on merits even in the absence of the petitioner therein.

7. Without expressing any opinion on the merits of the pleas taken in the appeal, leave as prayed for, is granted. The appeal is disposed of.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

APRIL 10, 2017
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