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

+ **FAO 251/2016**

M/S AVP CHIT FUND PRIVATE LTD Appellant
Through Mr. S.N. Gupta, Advocate

versus

SANJAY MITTAL & ORS Respondents
Through Mr. Jai Mohan, Advocate

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **06.09.2017**

1. After arguments, this appeal is disposed of as not pressed but appellant will be entitled to file the suit in the competent Court of territorial jurisdiction, and which suit when filed, the appellant will have the benefit of Section 14 of the Limitation Act for the period of time from when the subject suit was filed in the month of November, 2015 and till the date of passing of the present order.
2. Benefit of Section 14 of the Limitation Act is granted in view of the divergence of legal opinion, and which has now been settled by the judgment of the Supreme Court in the case of '**Sawastik Gases (P) Limited vs. Indian Oil Corporation Limited**', (2013) 9 SCC 32.
3. Since the appeal is allowed to be withdrawn, appellant will be entitled to refund of 50% of the court fees paid for the appeal as also the suit and a certificate to this effect be issued in favour of the appellant by the Registry

of this Court.

A copy of the order be given *Dasti* to counsels for the parties.

VALMIKI J. MEHTA, J

SEPTEMBER 06, 2017

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