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

+ **ARB.P. 661/2014**

ANSAL PROPERTIES AND INFRASTRUCTURE
LTD

..... Petitioner

Through Mr. B B Gupta, Sr. Advocate with
Mr. Rohit Gupta, Advocate

versus

ANAND KUMAR MOHATTA & ANR

..... Respondents

Through Mr. Rajiv Nayyar, Sr. Advocate
With Mr. Ashutosh Verma, Advocate

And

+ **O.M.P. 1536/2014**

ANSAL PROPERTIES AND INFRASTRUCTURE
LTD

..... Petitioner

Through Mr. B B Gupta, Sr. Advocate with
Mr. Rohit Gupta, Advocate

versus

ANAND KUMAR MOHATTA & ANR

..... Respondents

Through Mr. Rajiv Nayyar, Sr. Advocate
With Mr. Ashutosh Verma, Advocate

CORAM: JUSTICE S.MURALIDHAR

ORDER
09.01.2017

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1. An affidavit dated 9th January 2017 has been filed by the authorised representative of Overnite Express Limited. In the affidavit, it is *inter alia* stated that the courier receipts relied upon by the Petitioner have ceased to

be issued it after 1st November, 2011. It is further stated that such type of courier receipts were given to an erstwhile agent Mr. Satendar Singh Rawat who has since 2012 left the agency.

2. In view of the above affidavit, Mr. B. B. Gupta, learned Senior counsel appearing for the Petitioner seeks leave to withdraw both the petitions with liberty to the Petitioner to seek other appropriate remedy.

3. Mr. Rajiv Nayyar, learned Senior counsel appearing for the Respondent submits out that the remedy of a suit for specific performance would be barred. That plea shall be considered by the Court concerned in accordance with law.

4. In that view of the matter, the interim order dated 5th December, 2014 in OMP No. 1536/2014 stands vacated. The petitions i.e. Arb. P. No. 661 of 2014 and OMP No. 1536 of 2014 are dismissed as withdrawn with liberty as prayed for.

5. No orders are called for in either CCP (O) No. 43/2015 or CrI. M.A. No. 5904/2015 in Arb.P. 661/2014 and they are disposed of as such. I.A. No. 8131 of 2015 in Arb. P. No. 661 of 2014 does not survive and is disposed of as such.

S.MURALIDHAR, J

JANUARY 09, 2017

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