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

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FAO (OS) (COMM) 148/2016, CM APPL.47993-47994/2016

NEXUS DESIGN PROJECT PVT LTD

..... Appellant

Through: Mr. Mayank Wadhwa, Advocate.

versus

TRAVEL FOOD SERVICES (DELHI TERMINAL 3)

PVT LTD & ANR

..... Respondents

Through: Mr. Anuj Sarma, Adv. for Resp-1.

Mr. S.S. Sastry, Adv. for Resp-2.

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MR. JUSTICE S.P.GARG**

**ORDER**

**17.08.2017**

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After some hearing, learned counsel sought liberty to withdraw the appeal. It is submitted that subject to the plaintiff/appellant being permitted to file a fresh suit, duly supported by an application under Section 14 of the Limitation Act, 1963, the present appeal may be permitted to be withdrawn. Liberty granted.

In case the plaintiff chooses to file a suit for the cause of action in respect of which the amendment was refused, it is open to it to do so along with his application under Section 14 of the Limitation Act, 1963 which shall be decided on its own merits in accordance with law. The rights and contentions of the parties in such eventualities

are kept open.

Plaintiff's counsel seeks extension of time for filing the list of witnesses which he says could not be filed on account of pendency of appeal. The extension sought is granted. The plaintiff/appellant shall file the list of witnesses before the date fixed before the Joint Registrar, i.e., 21.08.2017.

The appeal is dismissed as withdrawn but in the above terms.

Order *dasti*

**S. RAVINDRA BHAT, J**

**S.P.GARG, J**

**AUGUST 17, 2017**  
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