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

CM No.32125/2017 in
+ FAO(OS) 240/2017

SUSHIL KUMAR GUPTA & ANR Appellants
Through : Mr. Deepak Chopra, Adv.
for the appellants

versus

RAKESH GUPTA & ORS Respondents
Through : None

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
% **04.09.2017**

CM No. 32125/2017 (clarification of order dated 28.08.2017)

1. This application seeks clarification of the order dated 28th August, 2017. It is submitted by Mr. Deepak Chopra, learned counsel for the appellant that in view of the law laid down by the Division Bench of this court in the judgment reported at **AIR 1996 Delhi 21 Hari Singh v. Smt. S. Sethi**, the appellant would have a right to maintain an appeal against the judgment dated 23rd May, 2017 passed in CS(OS) No. 1161/2015 in case the review petition filed by the appellants is dismissed. It is submitted that the appellant's right to assail the order dated 23rd May, 2017 is reserved if the review petition is dismissed.

2. Needless to say, the position in law laid down by the aforesaid judgment would bind this court in case the review petition is dismissed and the appellant file an appeal assailing the order dated 23rd May, 2017.

3. This application is disposed of in the above terms.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 04, 2017/kr