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

+ **FAO(OS) 238/2017 & CM Nos.30983-30985/2017**

NAVEEN GUPTA

..... Appellant

Through : Mr. Manoj Ohri, Sr. Adv.
 with Mr. N.K. Kantawala,
 Mr. Abhimanyu Singh and
 Ms. Akanksha Jain, Advs.

versus

DEEPA MITTAL & ORS

..... Respondents

Through : None

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **28.08.2017**

CM Nos. 30984 and 30985/2017(exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of._

FAO(OS) 238/2017 & CM No.30983/2017

3. It is submitted by Mr. Manoj Ohri, learned Senior Counsel for the appellant that after the filing of the suit, the appellant learnt about the efforts being made by the respondent no.1 to sell off the property which is the subject matter of the suit. It is submitted that though this fact was orally informed to the learned Single Judge on 23rd August, 2017 but the same had not been stated in the application as this fact was not known.

4. In view of the above, this appeal is misdirected in as much as the appellant would be well advised to place this fact on affidavit by way of another application under Order XXXIX Rules 1 & 2 of the CPC before the learned Single Judge.

5. In view of the above, learned Senior Counsel for the appellant prays for leave to withdraw this appeal and application filed alongwith with liberty to file an appropriate application before the learned Single Judge seeking appropriate relief upon the above facts.

6. This appeal and application are dismissed as withdrawn with liberty as prayed for.

Dasti.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 28, 2017/kr