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

+ FAO(OS) 320/2017, CAV.No.1091/2017 & CM Nos.46066-67/2017

AJIT SINGH MAKER

..... Appellant

Through : Mr. Kirti Uppal, Sr. Adv.
 with Mr. Sudarshan Rajan,
 Mr. Arjun Gadhoke, Mr.
 Archit Arora and Mr.
 Abhimanyu, Advs.

versus

MANINDER SINGH & ORS

..... Respondents

Through : Mr. Sudhanshu Batra, Sr.
 Adv. with Mr. Aditya
 Mishra, Mr. Prashant Mehta,
 Ms. Priya Hingorani, Ms.
 Kajal Chandra and Mr. Alot
 Tripathi, Advs. for R-1 to 3.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **18.12.2017**

CAV.No.1091/2017

The caveator is represented and has been heard.

The caveat stands discharged.

CM No.46067/2017 (exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

FAO(OS) 320/2017 & CM No.46066/2017

1. It is submitted by Mr. Kirti Uppal, Id. Senior Counsel for the appellant that certain documents, which were crucial for consideration on merits, were not placed before the Id. Single Judge.

The same cannot be looked at by us for testing the impugned order which has to be tested on the basis of material and the documents which were placed before the Id. Single Judge at the time when the order was passed.

2. In view thereof, Mr. Kirti Uppal, Id. Senior Counsel prays for leave to withdraw this appeal with liberty to seek appropriate remedy in accordance with law.

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 This appeal and application are dismissed as withdrawn with liberty as prayed.

Dasti under signatures of Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 18, 2017
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