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

+ CM(M) 420/2018 and CM Nos. 14064-14065/2018
ASHOK SAWHNY Petitioner

Through: Mr. Pankaj Singh, Adv.

versus

FORECH INDIA LTD & ANR Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.04.2018

After some hearing, the counsel for the petitioner submits, on instructions, that he may be permitted to withdraw the present petition and the applications filed therewith, his only apprehension being that the observations recorded in the impugned order made at the stage of final adjudication be not treated as conclusions. The impugned order was passed primarily on the question of joinder and the plea, *inter alia*, of the petitioner is that there is no cause of action. The plaintiff of the case is yet to discharge its burden to bring home the allegations of the defendants, particularly the petitioner, being party to the design of the foreign exporter to play fraud. The observations in the impugned order in that view of the matter will have to be treated as tentative, recorded only for reaching a decision on the preliminary issue and cannot be treated as binding *qua* the petitioner.

With this clarification, the petition and the applications filed therewith are dismissed as withdrawn.

Dasti.

R.K.GAUBA, J.

APRIL 11, 2018/uj

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