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

+ **CONT.APP.(C) 3/2018**

SUNIL CHAWLA & ANR Appellants

Through: Mr. Yusuf Khan, Advocate

versus

AERO CLUB Respondent

Through: Mr. Sanjay Jain, Sr. Advocate with
Ms. Shwetasree Majumdar, Mr.Prithvi Singh,
Ms.Pritika Kohli, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

01.05.2018

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CM No.17423/2018

Exemption allowed, subject to all just exceptions.

CM No.17422/2018

This is an application for condonation of delay of 57 days in filing of this intra-Court appeal. The application is not opposed and the same is accordingly allowed.

CONT.APP.(C) 3/2018

At the outset, learned senior counsel for the respondent, who is present on advance notice, states that the present appeal is not maintainable as no final findings have been recorded in the impugned order dated 19th January, 2018.

It is also stated that the petitioner had earlier invoked remedy under Article 136 of the Constitution of India by filing Special Leave to Appeal

(Civil) No.6682/2018 impugning the same order which the petitioner had withdrawn unconditionally.

Learned senior advocate had stated that observations made in the first paragraph of the impugned order records a prima facie view on the question of limitation.

In view of the aforesaid position, learned counsel for the appellant seeks permission to withdraw the present appeal.

The appeal is dismissed as withdrawn.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MAY 01, 2018
MR/pk