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

+ **FAO(OS) 94/2018**

**M/S KONARK INFRA DEVELOPERS PVT LTD
& ORS**

..... Appellants

Through: Ms. Ashima Mandala,
Ms. Mandakani Singh and
Mr. Abhishek Arora, Advs.

versus

**INDIA AFFORDABLE HOUSING SOLUTIONS
(IAHS)**

..... Respondent

Through: Mr. O.N. Sharma, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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10.10.2018

CM No. 23872/2018 (for delay)

This is an application filed by the appellant / applicant seeking condonation of 15 days delay in filing the appeal.

For the reasons stated in the application delay of 15 days in filing the appeal is condoned.

Application stands disposed of.

FAO(OS) 94/2018

In view of the objection raised by the respondent that an order granting leave in a proceeding under Order 37 Rule 3 (5) is not amenable to

an appeal under Order XLIII Rule 1 CPC, learned counsel for the appellant prays for permission to withdraw the appeal with liberty to take recourse to such remedy as available for impugning the impugned order dated 3rd April, 2018. She is permitted to do so. The appeal is dismissed as withdrawn with liberty as prayed for.

CM. Nos. 30663/2018 & 40633/2018

Dismissed as infructuous.

Dasti under the Signature of the Court Master.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 10, 2018/jg