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

+ **ARB. A. (COMM.) 59/2018**

JIVANJI TRADING COMPANY & ANR.

....Appellants

Through Ms. Archana Pathak Dave, Mr. Ashok
Vyas and Ms. Ankita Chaudhary,
Advs.

versus

NCML FINANCE PVT. LTD

..... Respondent

Through Mr. Sunil Mittal, Sr. Adv. with Mr.
Puneet Bajaj and Mr. Amit Gupta,
Advs. alongwith Mr. Pranav Chawla,
AR in person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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29.11.2018

CAV 1065/2018

1. Since the respondent has entered appearance, the caveat stands discharged.

I.A. 15858/2018

2. Allowed, subject to just exceptions.

I.A. 15860/2018

3. This is an application seeking condonation of delay in re-filing.

3.1 The period of delay involved is ten (10) days.

3.2 For the reasons given therein, the delay is condoned.

4. The application is disposed of accordingly.

ARB. A. (COMM.) 59/2018 & I.A. 15857/2018, I.A. 15859/2018

5. Mr. Mittal, learned senior counsel, who, appears for the respondent takes an objection that the appeal is not maintainable as the value of claim is below Rs.2 crores.

5.1 Given this objection, learned counsel for the appellants says that she will withdraw the appeal and approach the appropriate Court, provided the leeway of two (2) weeks is given.

5.2 As prayed, the appeal is dismissed as withdrawn.

6. The appellants will file the appeal in the appropriate Court within two (2) weeks from the date of receipt of a copy of the order.

7. The learned Arbitrator will stand over the proceedings till 20.12.2018.

8. The appeal is disposed of in the aforesaid terms.

9. Pending applications shall also stand closed accordingly.

10. *Dasti* under the signature of Court Master.

RAJIV SHAKDHER, J

NOVEMBER 29, 2018

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