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

+ **RFA(OS)(COMM) 34/2019**

SANJEEV KUMAR KAKKAR Appellant

Through: Mr. Jayant Mehta and Mr. Jaspreet
Singh Kapur, Advocates.

versus

**TATA CAPITAL HOUSING FINANCE LIMITED
& ORS** Respondents

Through:

**CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER
17.09.2019

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C.M. No. 40389/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

RFA(OS)(COMM) 34/2019 and C.M. No. 40388/2019

After substantial hearing, learned counsel for the appellant, on instructions, seeks leave to withdraw the present appeal with liberty to pursue the application preferred by the appellant under Section 17 of the SARFAESI Act.

Mr. Mehta states that the appellant has raised all his pleas with regard to the alleged fraud perpetrated upon the appellant, in its application under Section 17 of the SARFAESI Act and that the appellant would press those

pleas before the Tribunal. We have no doubt that the pleas raised by the appellant would be appropriately dealt with by the Tribunal while dealing with the appellant's said application.

Since the appeal has been withdrawn on the first date of hearing, 50% of the Court Fees is directed to be refunded to the appellant. We have not examined the merits of the plea of fraud raised by the appellant, and nothing stated herein may be construed as an expression of our opinion on that aspect.

VIPIN SANGHI, J

SANJEEV NARULA, J

SEPTEMBER 17, 2019

B.S. Rohella