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

+ **FAO(OS) 123/2018 and CM Nos. 30985-30988/2018, 50313/2018
& 19008-19009/2019**

NATIONAL COUNCIL OF YMCAS OF INDIA Appellant

Through: Mr. Kunal Manav, Advocate.

versus

**THE YOUNG MENS CHRISTIAN
ASSOCIATION OF ERNAKULAM & ORS Respondents**

**Through: Mr. P.I. Jose & Ms. P.S.
Chandralekha, Advocates.**

**Mr. Jayant Mehta & Mr. Manu
Krishnan, Advocates for defendant in
CS(OS) No.148/2018.**

**CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER
24.04.2019**

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C.M. No. 30987/2018

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

C.M. No. 19008/2019

By this application, the appellant seeks leave to withdraw the appeal.

Mr. Mehta, who appears for defendant No.4 in the suit – who is not impleaded as party respondent in the present appeal, submits that defendant No.4 was impleaded in the suit after passing of the impugned order on

19.07.2018 and the objection to grant of leave to pursue the suit under Section 92 of the CPC – which the said defendant has, could not have been examined since the said defendant was not impleaded as a defendant at the relevant point of time.

Since the appellant seeks leave to withdraw the appeal, we are inclined to allow the application.

Accordingly, the application is allowed and the appeal stands dismissed as withdrawn. However, we make it clear that the said withdrawal shall not come in the way of whatever pleas that the defendant No.4 may have in the matter.

VIPIN SANGHI, J

REKHA PALLI, J

APRIL 24, 2019

B.S. Rohella