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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 15/2020**

ARUN SOOD

..... Appellant

Through: Mr. Jayant Mehta, Mr. Atul Gupta,
Ms. Drishti, Ms. Sana Malik and Mr.
Rohitesh Dhingra, Advocates.

versus

ASHOK BAURY & ORS

..... Respondents

Through: Mr. Prosenjeet Banerjee and Ms.
Shreya Singhal, Advocates.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
04.02.2020

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Caveat No. 108/2020

1. Since counsel for the Respondents have appeared today, the caveat stands discharged.

CM 4538/2020 (exemption)

2. Allowed, subject to all just exceptions.

FAO(OS) 15/2020 & CM 4537/2020 (stay)

3. The present appeal is directed against an order dated 24th January, 2020 passed by the learned Single Judge, dismissing an application being I.A. No. 942/2020, filed by the Respondent No.10 in the Test Case No.11/2018, seeking to strike off an affidavit by way of examination-in-chief of the Petitioner (Respondent No.1 herein).

4. At the outset, the Court inquired of Mr. Jayant Mehta, learned counsel appearing for the Appellant, as to the maintainability of the present appeal, within the parameters laid down by the Supreme Court in *Shah Babulal Khimji v. Jayaben D. Kania (1981) 4 SCC 8* and Section 10 of the Delhi

High Court Act, 1966.

5. In the considered view of the Court, the impugned order in the present case does not fall within the said parameters outlined in the above decision, and as such the appeal is not maintainable.

6. The appeal is accordingly dismissed. Pending application is also disposed of. No costs.

S.MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 04, 2020/*rd*