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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 513/2019**

ATUL GEOL & ANR Petitioners
Through: Mr. Mukesh M. Goel, Advocate.

versus
SHYAMLAL NURSING HOME & MEDICAL RESEARCH
CENTER PVT LTD Respondent
Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **17.02.2020**

CM APPL. 6192/2020 (for recall of o/d 07.01.2020)

This application seeks recall of the order dated 7th January, 2020.

After some hearing, Mr. Mukesh M. Goel, ld. counsel for the Petitioners, seeks permission to withdraw the application with liberty to approach the Trial Court for any modification, if needed.

The impugned order, as well as the order passed by this Court shall be treated as orders under Order XXXIX Rules 1 and 2 CPC. If the Petitioners wish to seek any modification of the order, they are permitted to approach the Trial Court. It is clarified that the observations in the impugned order as also of this Court are *prima facie* in nature and would not bind the adjudication on merits of any further application or the suit. If modification is sought, the trial court may consider the same in accordance with law.

Accordingly, the application is dismissed as withdrawn with liberty as prayed for.

PRATHIBA M. SINGH, J.

FEBRUARY 17, 2020/MR