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

+ **FAO(OS) 33/2020 and CM APPL. 11337-11340/2020**

SANJEEV KUMAR NARANG

..... Appellant

Through: Mr. Jayant Mehta and with Mr. Shiv
Chopra, Advocate

versus

KAVITA ARORA AND ANR

.....Respondents

Through: Mr. Kanwal Chaudhary, Advocate for
R-1.

None for R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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26.05.2020

HEARD THROUGH VIDEO CONFERENCING

1. The appellant/plaintiff is aggrieved by the order dated 29.04.2020, passed by the learned Single Judge, dismissing an application filed by him (I.A. 14371/2019) praying *inter alia* for an order to restrain the respondent No.1/defendant No.1 (seller of an immovable property situated at Arjun Nagar, Kotla Mubarakpur) from encashing a cheque dated 01.05.2020 for a sum of Rs.1 crore till the possession of the entire subject premises is handed over to him. By the impugned order, the learned Single Judge has dismissed the captioned application on the

ground that the appellant/plaintiff has not been able to make out a *prima facie* case in his favour.

2. Mr. Jayant Mehta, learned counsel for the appellant has addressed arguments for some time assailing the impugned order. In the course of arguments, we have indicated to learned counsel for the appellant that having perused the impugned order, we are not inclined to entertain the present appeal.

3. At this stage, Mr. Mehta states on telephonic instructions from Mr. Shiv Chopra, Advocate appearing alongwith him that the appellant may be permitted to withdraw the present appeal while reserving his right to take up all the pleas taken by him in the plaint and the reply filed in response to Counter Claim No.19/2019 filed by the respondent No.1/defendant No.1 in CS(OS) 269/2019.

4. Leave, as prayed for, is granted. The appeal is dismissed as not pressed alongwith the pending applications.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

MAY 26, 2020

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