

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

RFA(OS) 25/2020

SIDDHARTHA RAI

..... Appellant

Through:

Mr. P.P. Malhora, Senior Advocate
with Mr. A.K. Panda, Advocate

versus

ANAND NARAYAN RAI & ORS. Respondents

Through:

Ms. Pinky Anand, Senior Advocate
with Mr. Sanjeev Sahai, Ms. Jhum
Jhum Sarkar, Mr. Sumit Taterwal and
Mr. Hemant Arya and Mr. Gagan
Kataria, Advocates for R-1 and R-2.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****HON'BLE MR. JUSTICE SANJEEV NARULA****ORDER**

%

11.06.2020**CM APPL. 12320/2020**

Keeping in view the averments in the application, delay in filing the appeal is condoned.

Accordingly, application stands allowed.

CM APPL. 12319/2020, 12321/2020 & 12322/2020

Allowed, subject to just exceptions.

RFA(OS) 25/2020 & CM APPL. 12318/2020

The appeal has been listed before this Bench by the Registry in view of the urgency expressed therein. The same has been heard by way of video conferencing.

It is pertinent to mention that present appeal has been filed challenging the judgment and order dated 8th February, 2020 passed by learned Single Judge whereby the suit filed by respondents no. 1 and 2 was dismissed with liberty to file a fresh suit on the same cause of action. The appellant-defendant was given liberty to raise all pleas and defences in the new proceeding.

After some arguments, learned senior counsel for the appellant-defendant wishes to withdraw the present appeal with liberty to raise all his pleas and defences in the new suit as well as to file an application under Order 7 Rule 11 CPC.

It is clarified that the rights and contentions of all the parties are left open.

With the aforesaid liberty and clarification, present appeal and application stand disposed of.

The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

SANJEEV NARULA, J

JUNE 11, 2020

rn