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

+ **FAO(OS) 41/2020 and CM APPL. 16214-16/2020**

DSM FRESH FOODS PVT LTD Appellant

Through: Mr. Rajan Raj, Advocate

versus

ANKUR GUPTA & ORS. Respondents

Through: Mr. Rajshekhar Rao, Mr. Prasouk Jain,

Ms. Rabiya Thakur and Mr. Karan Sinha,

Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **27.07.2020**

HEARD THROUGH VIDEO CONFERENCING

1. The appellant has filed the present appeal purportedly under Order XLIII Rule (1) of the CPC read with Section 10 of the Delhi High Court Act, 1966 praying *inter alia* for seeking clarification/modification of the orders dated 16.06.2020, 19.06.2020, 07.07.2020 and 15.07.2020, passed by the learned Single Judge in CS(OS) 141/2020.

2. At the outset, we have requested Mr. Rajan Raj, learned counsel for the appellant to address us on the maintainability of the present appeal under Order XLIII Rule (1) of the CPC, when none of the impugned orders fall under any of the category of cases specified in the said provision.

3. After examining the aforesaid provision, learned counsel for the appellant fairly states that he may be permitted to withdraw the present appeal while reserving the right of the appellant to approach the learned

Single Judge for seeking review of the orders dated 16.06.2020, 19.06.2020, 07.07.2020 and 15.07.2020.

4. Leave, as prayed for, is granted. The appeal is dismissed as withdrawn alongwith the pending applications.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

JULY 27, 2020

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