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

+ RFA(OS) 77/2019 and CM APPL. 38289-90/2019

M/S KUSHAL INFRAPROJECT INDUSTRIES (INDIA) LTD

..... Appellant

Through: Mr. Tanmay Mehta and Mr. Pratham
Sharma, Advocates

versus

UMED SINGH & ORS

..... Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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09.01.2020

1. We have requested learned counsel for the appellant to address this Court on the delay of 198 days in filing the appeal, which is directed against the judgment dated 14.12.2018, passed by the learned Single Judge, decreeing a suit for specific performance, possession and permanent injunction in favour of the appellant/plaintiff by directing refund of the earnest money to the tune of Rs.66,75,000/- against the respondents/defendants.

2. Mr. Mehta, learned counsel for the appellant states that the appellant may be permitted to withdraw the present appeal while reserving the right of his client to file a review application in respect of the impugned judgment before the learned Single Judge. He states that in the event the grievance of

the appellant for non-payment of any interest on the amount refunded still survives, the appellant may be permitted to approach the Court by filing a fresh appeal.

3. Without making any observations on the merits or the maintainability of such an application, as sought to be filed by the appellant against the impugned judgment dated 14.12.2018, leave as prayed for, is granted. The present appeal is disposed of alongwith the pending applications.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 09, 2020

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