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

+ **RFA 112/2021**

SANYA GIC IMAGING PVT LTDAppellant

Through: Mr. Anand Kumar, Advocate.

versus

IDEATION STUDIO PVT LTDRespondent

Through: Mr. Kailash Chandra, Advocate.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

15.10.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

RFA 112/2021 & CM APPL. 6868/2021 (stay)

1. In furtherance of circumstances mentioned in order dated 15.04.2024, I heard learned counsel for both sides.
2. Broadly speaking, the present appeal was filed to assail money decree of Rs.7,05,360/- with interest and cost. During pendency of this appeal, the present respondent (*plaintiff*) approached the learned trial court with review petition, which was allowed vide order dated 16.12.2022, thereby replacing the decretal amount with Rs.23,72,560/-. That being so, the appellant filed another appeal, registered as RFA 640/2024, listed today itself to challenge the judgment and decree of Rs.23,72,560/-. Even thereafter, invoking the provision under Section 152 CPC, the learned trial court rectified the calculation of costs and some expressions of the decree on 17.08.2023. Therefore, the appellant filed application in RFA 640/2024 to amend the



memo of appeal to that extent.

3. Under these circumstances, there are now two appeals filed by same party to challenge the culmination of same suit. The amount which is subject matter of RFA 640/2024 includes the amount which is subject matter of this appeal.

4. In order to streamline, learned counsel for appellant seeks permission to withdraw the present appeal with liberty to amend RFA 640/2024 by incorporating the grounds pleaded in the present appeal in RFA 640/2024.

5. Accordingly, the present appeal as well as pending application are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

OCTOBER 15, 2024/ry

[Click here to check corrigendum, if any](#)