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

+ **ARB.P. 691/2023**

M/S KIMAYA BUILDTECH LLP

.....Petitioner

Through:

versus

K. C. SOFTWARE PVT. LTD & ORS

.....Respondents

Through: **Ms. Mamta Wadhwa, Advocate for
Respondent Nos.9 and 10**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **19.12.2024**

I.A. 48989/2024

1. This application under Order IX Rule 13 CPC has been filed by the Applicants/Respondents No.9 and 10 for setting aside the *ex parte* Order dated 07.11.2024 and permitting the Applicants/Respondents No.9 and 10 to contest the case on merits along with the supporting affidavit.
2. It is stated that the arbitration proceedings are pending before the Ld. Arbitrator.
3. In view of the fact that the arbitration proceedings are pending before the Ld. Arbitrator, the present application is not maintainable in this Court.
4. Learned Counsel for Applicants/Respondents No.9 and 10 prays for withdrawal of the present application with liberty to move an appropriate application before the Ld. Arbitrator for the same reliefs.
5. Permission and liberty, as sought for, is granted.
6. The application is disposed of as withdrawn.

SUBRAMONIUM PRASAD, J

DECEMBER 19, 2024

RJ