



\$~65

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 2953/2024 & CM APPL. 40359-40360/2024
M/S RED APPLEPetitioner
Through: Mr. Amrik Singh, Advocate
versus
DEV BHOOMI COLD CHAIN PRIVATE LIMITEDRespondent
Through: Ms. Gurmeet Bindra, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

19.07.2024

%

1. The challenge in the present petition filed under Article 227 of the Constitution of India is with respect to the order dated 18.04.2024 whereby the leave to defend has been refused to the petitioner (defendant before the learned Trial Court).
2. Learned counsel for the respondent (plaintiff before the learned Trial Court) has also appeared on advance notice and informs that simultaneous with the order whereby the leave to defend was dismissed, learned Trial Court has also decreed the suit. The copy of such other order passed on the same day i.e. 18.04.2024 has been shown.
3. Learned counsel for petitioner does not dispute the aforesaid fact and states that since the decree has already been passed and since in such a situation, he can maintain regular first appeal, it is prayed that he may be permitted to withdraw the present petition with liberty to file proper regular first appeal.
4. In view of the aforesaid, the present petition is hereby permitted to be withdrawn.
5. Liberty, as prayed, is granted.
6. Petition stands disposed of in above said terms.

MANOJ JAIN, J

JULY 19, 2024/dr