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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 318/2023**
AMIT SACHDEVA

.....Appellant

Through: Ms. Arisha Ahmad, Advocate.

versus

DINESH GUPTA

.....Respondent

Through: Mr. Sangam Singh, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
23.08.2024

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CM APPL. 48524/2024 & FAO 318/2023

1. The appellant has challenged order dated 23rd September, 2023 whereby his application moved under Order IX Rule 13 CPC has been dismissed.
2. When this petition was entertained, the appellant was also directed to deposit 50% of the decretal amount with interest.
3. Admittedly, such amount is sum of Rs. 13,62,440/- was deposited in terms of above said directions.
4. The appellant has now moved an application seeking withdrawal of the present appeal. It is also mentioned in the application that the parties are making an attempt to amicably resolve the dispute and, therefore, the appellant is no longer interested in pursuing his present appeal.
5. It is also simultaneously prayed that the amount which the appellant had deposited in view of the above said directions may be returned to the

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appellant and the stay with respect to the execution may also be lifted.

6. Learned counsel for the respondent had no objection in this regard.

7. In view of the above, the appeal is dismissed as not pressed.

8. The amount which had been deposited by the appellant in terms of the above said directions dated 13th December, 2023 be released in favour of the appellant.

9. Needless to say, since the appeal has been withdrawn, the learned Executing Court would be at liberty to proceed with the execution in accordance with law.

10. The next date i.e. 18th November, 2024 stands cancelled.

MANOJ JAIN, J

AUGUST 23, 2024/ss