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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 300/2024 & CM APPL. 55126/2024 & CM APPL. 55128/2024**
M/S PROGRESSIVE CONSTRUCTION LTD

.....Appellant

Through: Mr. Chinmoy Pradip Sharma, Sr.
Advocate with Mr. Ashish Pandey,
Mr. Irfan Hasieb, Ms. Suman Kumar,
Mr. Krishna Jyoti Deka and Mr.
Rajeev Ranjan, Advocates.

versus

HIMADRI SHANKAR ROY PROPRIETOR OF M/S LDS
ENGINEERS AND ANR.

.....Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **20.09.2024**

CM APPL. 55127/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

FAO 300/2024

1. Learned counsel for the petitioner submits that the judgment in question i.e. judgment dated 18th September, 2012 was not an *ex-parte* judgment and the proper remedy would have been to challenge the aforesaid judgment by filing Regular First Appeal (RFA), instead of filing an application under Order IX Rule 13 CPC.
2. After hearing arguments for some time, learned counsel for the

FAO 300/2024

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petitioner seeks to withdraw the present petition with liberty to avail other remedies as available under law for challenging the aforesaid judgment.

3. Petition is disposed of as not pressed.
4. Liberty, as prayed, is granted.

MANOJ JAIN, J

SEPTEMBER 20, 2024/ss