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

+ **FAO(OS) 135/2024, CM APPL. 57496/2024 –Stay**

**RITESH AGARWAL AND ANR** .....Appellants  
Through: **Mr. Sameer Dawar, Adv.**

versus

**RAJ VIKRAM SINGH** .....Respondent  
Through: **None.**

**CORAM:**  
**HON'BLE MS. JUSTICE REKHA PALLI**  
**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**  
**18.12.2024**

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1. The present appeal seeks to assail order dated 05.03.2024 passed by the Learned Single Judge in CS(OS) 474/2019. Vide the impugned order, the learned Single Judge has rejected the application filed by the appellants to place on record the additional documents.
2. Even though despite service none appears for the respondent, we have proceeded to hear learned counsel for the appellants on the question of the maintainability of the appeal, which in our considered opinion, is not maintainable.
3. When faced with this situation, learned counsel for the appellants seeks leave to withdraw the appeal but prays that it may be clarified that the withdrawal of the present appeal will not come in the way of the appellants tendering these additional documents along with their evidence. Taking into account that it has been categorically stated in the plaint that the appellants



are persons having a good standing in society and have received a number of awards in both National and International forums, we clarify that the dismissal of the present appeal will not come in the way of the appellants relying on these documents while tendering their evidence in the ongoing suit.

4. Accordingly, the appeal is dismissed as not pressed with liberty as prayed for.

**REKHA PALLI, J**

**SAURABH BANERJEE, J**

**DECEMBER 18, 2024/bh**