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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 244/2024**
R K CONTAINER LINE PVT LTDAppellant
Through: Mr.Pritish Sabharwal, Adv.

versus

ACME CLEANTECH SOLUTIONS PVT LTD & ORS.
.....Respondents
Through: Mr.Dhanesh Relan, Ms.Sonia A
Menon, Mr.Arindam Dey, Mr.Aditya Pandey &
Mr.Akhil Rehlan, Advs.

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

ORDER

% **08.11.2024**

CM APPL. 65558/2024

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CAV 549/2024

FAO(OS) (COMM) 244/2024

CM APPL. 65557/2024 (stay)

3. At the very outset, learned counsel for the appellant submits that since inadvertently the order dated 16.10.2024 disposing of the application under Order XXXIX Rules 1 & 2, Code of Civil Procedure, 1908, preferred by respondent nos.1 & 2/plaintiffs has not been assailed in the present appeal, he may be granted leave to withdraw the appeal with liberty to file a comprehensive appeal assailing the order dated 16.10.2024 as also the subsequent clarificatory order dated



21.10.2024.

4. Taking into account that the appeal is still at an initial stage, the request of the appellant is accepted. Consequently, the appeal is disposed of as not pressed with liberty to the appellant to file a fresh comprehensive appeal to assail orders dated 16.10.2024 and 21.10.2024. We further make it clear that since this Court has not examined the grounds raised in the appeal at this stage, while filing a fresh appeal, it will be open for the appellant to raise all grounds permissible in law including grounds raised in the present appeal.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 8, 2024

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