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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CM No.5256/2024 in

+ **RFA(OS) 88/2018**

ASIAN HOTELS (WEST) LTD & ORS

..... Appellants

Through: Mr Siddharth Agarwal, Ms Divya
Bhalla and Mr Anuj Shah, Advs.

versus

JINDAL PHOTO INVESTMENT LTD & ORS Respondents

Through: Mr Kaustubh Prakash, Ms Hita
Sharma, Mr Lavish Sharma and Mr
Asher Revi Job, Adv. for R-1 to 3 and
5.

Mr Shivank Diddi, Mr Ajay Bhargava
and Mr Aseem Chaturvedi, Advs. for
R-6 to 9.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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30.01.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM No.5256/2024

1. This is an application filed on behalf of the appellants seeking withdrawal of the appeal.
2. Mr Shivank Diddi, learned counsel, who appears on behalf of respondents 6 to 9, says that he has no objection to the prayer made in the application.
3. Mr Kaustubh Prakash, counsel who appears on behalf of respondents 1 to 3 and 5, says that while he has no objection to the prayer made in the application, there are certain costs to be recovered and, therefore, some observation should be made to that effect.

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4. Furthermore, we are informed by the learned counsel for the appellants as well as learned counsels appearing for the respondents that respondent no. 4 chose not to join the proceedings despite being served.

5. In our opinion, there is, presently, no impediment in granting the prayer made by the appellants in the above-captioned application.

6. Accordingly, the prayer made in the application is allowed.

7. Insofar as the recovery of costs is concerned, no directions can be issued by this court vis-à-vis that aspect of the matter.

7.1 Mr Kaustubh Prakash will be at liberty to take steps concerning the same, as may be permissible in law.

8. The application is disposed of in the aforesaid terms.

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9. In view of the order passed in CM No. 5256/2024, nothing further remains to be done in the appeal.

10. The appeal is, accordingly, closed.

11. The Registry will dispatch a copy of the order to respondent no. 4 via all modes including e-mail.

12. The case papers shall stand consigned to record.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JANUARY 30, 2024

aj [Click here to check corrigendum, if any](#)