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

+ **FAO 125/2023 and CM APPL. 27080/2023, CM APPL. 27081/2023**

**SUSHIL KUMAR ARORA (SENIOR CITIZEN)
& ANR.**

.....Appellants

Through: Mr. Hitesh Sachar, Ms. Anuj
Jain & Ms. Nisha Kumari,
Adv.

versus

DEEPAK GUPTA

.....Respondent

Through: Mr. S K Bhaduri & Ms. Rimp
Rohilla, Adv.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

22.05.2025

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1. Having heard the learned counsel for the parties and on perusal of the record, it appears that there is an apparent delay of 482 days in filing the present appeal, assailing the impugned order dated 18.11.2021, whereby the plaintiffs have been restrained from selling, alienating and/or creating third party interest *qua* the ground and second floor of the subject property i.e. L-45, Kalkaji, New Delhi 110019.

2. During the course of the hearing, it is pointed out that the issues have already been framed so much so that the plaintiffs have already led their evidence and the matter is now set for leading evidence for the defendant, whose witnesses are getting further examined.

3. After some arguments, learned counsel for the appellant requests permission to withdraw the present appeal without prejudice and with liberty to move a fresh application before the learned Trial

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Court for modification of the interim order in view of the certain changed circumstances.

4. The present appeal is dismissed as withdrawn without prejudice.

5. The learned counsel for the parties shall be at liberty to move an appropriate application for modification, which if moved, the same shall be considered by the learned Trial Court in accordance with law.

DHARMESH SHARMA, J.

MAY 22, 2025

Ch /Sg

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