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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA(OS) 69/2024

SAROJ TYAGI & ANR.

.....Appellants

Through: Mr. F.S. Chauhan and Ms.Usha Kashyap, Advocates.

versus

MRS. PREETI AGGARWAL & ORS.

.....Respondents

Through: Mr. J.K. Srivastava and Ms.Taruna, Advocates for R1.

Mr. Rajesh Kumar and Ms. Mansi Aggarwal, Advocates for R2 to R6.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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14.01.2025

RFA(OS) 69/2024 and CM APPL.74105/2024 (Stay), CM APPL.1922/2025

1. On the last date, learned counsel for the appellants had vehemently urged that on the date when the impugned judgment was passed, the appellants were unrepresented before the Court and therefore, it was wrongly recorded by the learned Single Judge that they had, in principle, agreed that all the legal heirs of Late Sh. Ranvir Singh Tyagi had equal share in the property.

2. Today, learned counsel for the respondent no. 1, who appears on advance notice, has filed an application under Section 379 of the Bharatiya Nyaya Sanhita seeking initiation of action against the appellants for making this patently false averment before this Court.



3. The application is accompanied by a copy of the correspondence exchanged by learned counsel for respondent no. 1 with the counsel representing the appellants before the learned Single Judge from which it *prima facie* appears that the appellants were duly represented before the Court when the impugned order came to be passed. In the light of this position, we are of the *prima facie* view that the appellants are trying to mislead this Court.

4. When faced with this situation, the appellant no.2, who is present in Court seeks liberty to withdraw the appeal. He submits that he is also authorised on behalf of appellant no. 1 to seek withdrawal of the appeal.

5. In the light of the aforesaid, since the appellants are now seeking liberty to withdraw the appeal, we are refraining from initiating any action against them. The appeal, alongwith the accompanying applications, is accordingly dismissed as not pressed.

REKHA PALLI, J

AJAY DIGPAUL, J

JANUARY 14, 2025/uk