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

+ **RFA 925/2024**

LIYAKAT ALI AND ORS

.....Appellants

Through: Mr. Rakesh Kumar, Advocate.

versus

SAYRA BHARTI AND ORS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

30.01.2025

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

CM APPL. 5764/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 5763/2025 (for recall of order dated 1501.2025)

2. On 15.01.2025 which was the first effective date, learned counsel for appellants on instructions of his clients sought permission to withdraw this appeal. The appeal assailed preliminary judgment and decree of partition. At request of counsel for appellants, the appeal was dismissed as withdrawn.

3. Now the appellants have filed this application seeking recall of order dated 15.01.2025, pleading that on 15.01.2025, the counsel wanted to withdraw only the application but *“somehow due to imperfect communication, the applicant failed to communicate the reality to this Hon’ble Court”*.



4. It is nobody's case that the counsel for the appellants committed any misconduct. Admittedly, the order dated 15.01.2025 was passed in the open court in presence of learned counsel for appellants. Allowing such applications would set up a wrong precedent. Besides, it would be make no sense that the appellants would want to withdraw only the stay application in view of nature of the proceedings.

5. Accordingly, the application is dismissed.

GIRISH KATHPALIA, J

JANUARY 30, 2025/ry

Click here to check corrigendum, if any