

**IN THE 4th ADDITIONAL DISTRICT COURT
[LOK ADALAT] AT GANDHIDHAM**

COMM. EXE NO. 279/2022

:ORDER BELOW EXH.1 & 12:

(1) Read the present application filed by the Ld. Adv. for the Decree Holder.

(2) The present Decree Holder want to withdraw the present petition with condition to file afresh petition as per the law when it is possible. Considering the directions of Proddataur Cable TV Digital Services V/s. City Cable Network Ltd, reported in (2020) 267 DLT 51, in the case of TRF Ltd. V/s. Energo Engineering Projects Ltd. reported in (2017) 8 SCC 377, in the case of Parkins Estimate Architect DPC and Anr. V/s. HSS (India) Ltd., reported in 2019 SCC Online SC 1517, in the case of Bharat Boradband Network Ltd. V/s. United Telecome Ltd, reported in (2019) 5 SCC 755, in the case of Cholamandalum Investment and Finance Co. Ltd. V/s. Amrapali Enterprise, reported in 2023 SCC Online Calcutta 605, in the case of Srei Equipment Finance Ltd. V/s. Sodham Mandal, reported in 2023 SCC Online Calcutta 831, in the case of Kotak Mahindra Bank Ltd. V/s. Narendrakumar Prajapat, reported in 2023 Latest Case Law 709 Delhi, the applicant will be free to file afresh execution as per dictum of law when available. Thus, the present application is allowed to withdraw it conditionally.

(3) The original award, if any, in the application will be returned on filing of certified copies in the application.

(4) Withdrawal will not be affected to the Decree Holder to take any action legally as per the established law.

(5) I, hence in view of the withdrawal pursis, the case is ordered to be disposed off accordingly.

(6) No order as to costs.

(7) The copy of this order place under the Exh: 12.

Pronounced in **National Lok-Adalat** on this **9th** day of **September, 2023**.

Date: 09/09/2023
Place : Gandhidham

(A.M.Memon)
Code No. GJ00674
4th Additional District Judge,
Gandhidham