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

+ **CS (OS) 726/2014**

GYAN PRAKASH GUPTA

..... Plaintiff

Through: Mr. Pawan Sharma, Advocate.
(M:9818156973)

versus

VIJAY PRAKASH & ORS.

..... Defendants

Through: Ms. Rashmi Jain and Ms. Archana
Gupta, Advocates for D-2 to 11.
(M:9268495137)
Mr. Shashank Khurana, Advocate for
D-18. (M:9711560992)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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07.08.2018

I.A. 10353/2018 (exemption)

Allowed, subject to all just exceptions. I.A. is disposed of.

I.A. 10352/2018 (recall of order)

This is an application filed by the newly impleaded Defendant No.18 i.e. M/S SABOORI DEVELOPERS & PROMOTERS seeking recall of order dated 5th July, 2018 on the ground that the said Defendant was not heard on the last date. A perusal of the order dated 5th July, 2018 shows that Mr. Shashank Khurana, learned counsel for the said Defendant was, in fact, present in Court. Detailed submissions were heard while disposing of the appeal and Ld. Counsel was present when the interim order was confirmed. Averments made in this application are, therefore, incorrect. Learned counsel for the said Defendant No.18 wishes to withdraw the present application with liberty to file a fresh application, if advised, seeking



variation of the order on merits.

I.A. is dismissed as withdrawn with liberty as prayed.

PRATHIBA M. SINGH, J.

AUGUST 07, 2018/dk