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

+ **FAO(OS) 202/2019**

**DEEPAK KHADARIA & ANR**

..... Appellants

Through: Mr.C.Mohan Rao with Mr.Lokesh  
Kumar Sharma, Advocate for Appellant.

versus

**ALOK GUPTA & ORS**

..... Respondents

Through: Mr.Tanmaya Mehta, Mr. Sourabh Gupta  
and Mr.Puneet Yadav, Advocates.

**CORAM:**

**JUSTICE S.MURALIDHAR**  
**JUSTICE TALWANT SINGH**

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**O R D E R**  
**31.10.2019**

1. This appeal has been filed by the counsel who drafted the plaint in the suit from which the present appeal arises.
2. In the impugned order dated 21<sup>st</sup> May 2019, while dealing with an application filed by the Plaintiff under Order XII Rule 6 of the Code of Civil Procedure 1908, the learned Single Judge has in para 24 made certain observations *qua* the Appellants which in the considered view of this Court were not called for.
3. Learned counsel for the Respondents very fairly state that they have no submission to make in regard to the said observations in the impugned order, except that as far as the merits of the case is concerned their contentions should be kept reserved.

4. The Court notes that the merits of the impugned order is pending consideration before this Court in FAO (OS) 208/2019 filed by the Plaintiff. The contentions of the parties on merits are left open to be urged and considered in the said appeal.
5. As far as the present appeal is concerned, the Court directs that the observations against the present Appellants in para 24 of the impugned order and in particular the sentence reading “This is a classic textbook case ..... avoided,” shall stand expunged.
6. The appeal is disposed of in the above terms.

**S. MURALIDHAR, J.**

**TALWANT SINGH, J.**

**OCTOBER 31, 2019**

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