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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ FAO(OS) (COMM) 136/2025
M/S SUPREME INFRASTRUCTURE
INDIA LTD.Appellant

Through: Mr. Sarthak Pathak, Adv.

versus

ENGINEER-IN-CHIEF, ARMY HQRespondent
Through: Mr. Ankur Mittal, CGSC with
Ms. Rabaica Jaiswal and Mr. Hrithik
Saxena, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

05.02.2026

C. HARI SHANKAR, J.

CM APPL. 7828/2026

1. This application seeks restoration of FAO(OS) (COMM) 136/2025 which was dismissed for default and non-prosecution on 9 January 2026.

2. For the reasons stated in the application, the application is allowed and the order dated 9 January 2026 dismissing the appeal for default and non-prosecution is recalled. The appeal is restored to its original number.

3. The application is disposed of.



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4. Learned Counsel for the appellant candidly acknowledges that the present appeal was instituted against an interim order passed in Section 34 proceedings by the learned Single Judge and that, thereafter, the Section 34 petition stands dismissed. He, therefore, seeks to withdraw this appeal with liberty to file a fresh petition in accordance with law *inter alia* challenging the order dismissing the Section 34 petition.

5. Leave and liberty is granted as aforesaid, the appeal is disposed of as withdrawn.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

FEBRUARY 5, 2026/aky