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

+ **RSA 225/2016 and C.M. Appl. Nos. 29782/2016 (for stay, U/O 41 Rule 5 CPC), 29783/2016 (for condonation of delay of 60 days in filing the appeal, U/s 5 of the Limitation Act) 29784/2016 (for delay of 506 days in re-filing the appeal, U/s 5 of the Limitation Act) 29785/2016 (for exemption)**

JHANDU SINGH AND ORS

..... Appellants

Through: None.

versus

MUNDRAS DEVI

..... Respondent

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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19.09.2016

1. On 17.8.2016, an adjournment was sought on behalf of appellant No. 1 as his counsel was not well.
2. Today, no one appears for the appellants.
3. The judgments of the courts below hold that appellants/defendants were legal heirs of one Jhandu Singh who was only a servant of the husband of respondent/plaintiff. This is proved by means of affidavits Ex.PW1/B to Ex.PW1/D and which bear the thumb impressions of Jhandu Singh. Jhandu Singh claimed to be a tenant at Rs.1,000/- per month but no evidence was filed of any rent receipts, etc. Courts below have, therefore, decreed the suit for

possession which was filed by the respondent/plaintiff with respect to the suit premises being shop No. 3, measuring 10' x 7' bearing No. X/3035, Gali No. 5, Main Road, Raghubar Pura No. 2, Delhi – 110 031 along with mesne profit at Rs. 2500 per month.

4. It is therefore seen that there is no merit in this second appeal and no substantial question of law is raised.

5. Since no one appears for the appellants, this appeal is dismissed in default and for non-prosecution.

6. Let no application for restoration or re-calling of this order be entertained unless costs of Rs. 20,000/- are deposited with Friendicoes, No.271 & 273, Defence Colony, Flyover Market, Jangpura Side, New Delhi-110024.

VALMIKI J. MEHTA, J

SEPTEMBER 19, 2016

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