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

+ **MAT.APP.(F.C.) 87/2017 and CM Nos. 18716/2017, 18713/2017**

BALWAN SINGH

..... Appellant

Through: None.

versus

UMESH KUMARI

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **10.07.2017**

1. On the first call, none was present on behalf of the appellant. Even on the second call, there is no appearance on behalf of either side. It may be noted that the present appeal was listed for admission on 07.07.2017 on which date, learned counsel for the appellant has addressed arguments at some length, but had not been able to persuade us to issue notice. At that stage, a request was made by learned counsel for a passover to obtain instructions as to whether the appellant would wish to withdraw the appeal. On passover, learned counsel for the appellant had stated that his client was out of town and he would need a couple of days to obtain instructions. It was at his request the matter was adjourned for today.

2. In view of the fact that none has appeared for the appellant, despite passover, we have no option but to dismiss the present appeal for non-prosecution and in default along with the pending applications.

3. Ordered accordingly. File be consigned to the record room.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 10, 2017/bg