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

+ RSA 156/2016

MOHD ALI

..... Appellant

Through: Mr. I. Ahmed, Advocate.

versus

ASHFAQ AHMAD & ORS

..... Respondents

Through: Mr. Mohammad Ikram, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **30.10.2017**

1. On the last date of hearing on 6.7.2017, the following order was passed:-

“1. No one appeared for the appellant on the first call. No one appears for the appellant even on the second call.

2. In this Regular Second Appeal, appellant was successful in seeking an interim order dated 1.6.2016, however, in view of the conduct of the appellant, the interim order dated 1.6.2016 was vacated on 9.8.2016.

3. At this stage, appellant appears in person and says that his counsel is coming.

4. In my opinion, even after the matter being called for the second time, if the counsel for the appellant is not available, the same cannot be acceptable.

5. In the interest of justice, but subject to payment of costs of Rs.10,000/- to the counsel for the respondents, to be paid within

four weeks, list on 30th October, 2017.”

2. The main counsel for the appellant does not appear for arguments as it is stated that he is held up in another Court. Counsel for the respondents states that costs have not been paid.

3. The appeal is therefore dismissed for non-prosecution i.e non-compliance of the order dated 6.7.2017 for payment of costs.

VALMIKI J. MEHTA, J

OCTOBER 30, 2017

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