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

+ **CS(OS) 2461/2013 & I.A.No.11320/2016**

PREM CHAND DESWAL Plaintiff

Through None

versus

DHARAMBIR & ORS Defendants

Through Mr.Ravinder K.Rawat, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **21.11.2017**

Despite a passover, none is present for the plaintiff.

Present suit has been filed for specific performance of agreement to sell dated 24th August, 2013 in respect of agricultural land admeasuring 12 bigha i.e 2½ acre comprising of land following in Mustatil 21 bearing Killa No.4, Killa No.5 (2-8) and Killa No.7, Khasra No.79/70 situated in village Malikpur Zer, Tehsil Najafgarh, Delhi.

On 09th September, 2016, this Court had framed the following issues:-

- (i) *Is the plaintiff entitled to decree of specific performance of agreement dated 24th August, 2013 in respect of the suit property? **OPP***
- (ii) *Has the plaintiff been ready and willing to perform his part of contract? **OPP***

*(iii) Does the plaint disclose any cause of action against the defendants? **OPP***

*(iv) Is the suit liable to be rejected for lack of verification in terms of Order VI Rule 15 CPC? **OPD***

*(v) Is the suit liable to be dismissed for concealing material facts? **OPD***

*(vi) Is the suit false, frivolous, vexatious and deserving to be dismissed with exemplary cost under Section 35A CPC? **OPD***

However, the plaintiff did not lead any evidence in the present case and his right to lead evidence was closed on 15th May, 2017.

On the last date of hearing, the matter was adjourned as the counsel for the plaintiff was unwell.

Keeping in view the aforesaid facts, the present suit and application are dismissed in default and on account of non-prosecution.

MANMOHAN, J

NOVEMBER 21, 2017
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