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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 74/2018 and C.M. Appl. No. 2842/2018 (for stay)

KULDIP SINGH

..... Appellant

Through: None.

versus

RAJ KUMAR & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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12.09.2018

1. In this appeal a limited notice was issued in terms of the order dated 23.1.2018, and which order reads as under:-

“1. After arguments, learned counsel for the appellant confines the relief as prayed for in this appeal not for any relief of specific performance and also not for seeking any amounts from defendant nos. 2 to 6 in the suit, and who are the respondent nos. 2 to 6 herein, and it is prayed that this Court may issue notice only as against the respondent no. 1/defendant no. 1 for the amount of Rs.40,00,000/- which the appellant/plaintiff claims which has been paid to the respondent no. 1/defendant no. 1 under the agreement to sell dated 8.2.2007.

2. Accordingly, let notice be issued to the respondent no. 1 on filing of process fee both in the ordinary method as well as by registered AD post, returnable on 9th May, 2018.”

2. For 9th May, 2018 notices could not be issued as process fee

was not filed. On 9th May, 2018 it was consequently observed that last opportunity is granted to the appellant to serve respondent no. 1 for today, and which is the returnable date. However, notices could not be issued as process fee was not filed. No one even appears for the appellant today.

3. This appeal is therefore dismissed in default and for non-prosecution.

4. Let no application for restoration/recall of this order be entertained unless costs of Rs.15,000/- are first deposited with the website www.bharatkeveer.gov.in.

VALMIKI J. MEHTA, J

SEPTEMBER 12, 2018

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