

\$~14

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

+ **RSA 22/2018**

GEETA

..... Appellant

Through: None

versus

RAJA TOWERS PVT LTD

..... Respondent

Through: Mr.Vijay Zaveri, Advocate

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

20.07.2018

CM No.5386/2018 (for exemption from filing certified copies and dim annexures)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

RSA 22/2018 & CM No. 5385/2018 (u/O XLI R.5 CPC for stay)

3. None appears for the appellant.
4. None appeared for the appellant on 28th February, 2018, 05th March, 2018, 20th March, 2018 and 25th April, 2018.
5. This Regular Second Appeal under Section 100 of the CPC impugns the judgment and decree (dated 6th December, 2017 in RCA No.94/2017 of the Court of Additional District Judge-03, South East) of dismissal of the First Appeal under Section 96 of the CPC preferred by the appellant against the judgment and decree [dated 12th May, 2017 in CS No.52826/2016 (CNR

No.DLSE03-002353-2016) of the Court of Senior Civil Judge, South East] allowing the suit of the respondent/plaintiff and passing a decree for mandatory injunction against the appellant/defendant to vacate the immovable property and to pay *mesne* profits thereof to the respondent/plaintiff.

6. The appeal came up first before this Court on 12th February, 2018 when the counsel for the respondent appeared on caveat and the appeal was adjourned to 15th February, 2018.

7. On 15th February, 2018, the matter was amicably settled and the appeal adjourned to 22nd February, 2018 for the appellant to file undertaking in terms of the settlement. On 22nd February, 2018, the counsel for the appellant sought adjournment to file the undertaking. Thereafter, since 28th February, 2018, as aforesaid, none has been appearing for the appellant.

8. It appears that the appellant is reneging from the settlement arrived at before this Court.

9. The appeal is dismissed in default.

10. The respondent/plaintiff is at liberty to execute the decree.

RAJIV SAHAI ENDLAW, J

JULY 20, 2018
pk