

\$~13

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

+ **RFA 110/2016 & CM APPL.7879/2016**

RAJNISH NAINAKWAL Appellant
Through: Mr. Sanjeet Singh, Advocate.
(M:9811767675)
versus

DHANPATI SINGH Respondent
Through: Mr. M. S. Yadav, Advocate.
(M:9810420361)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **06.03.2018**

1. Mr. Sanjeet Singh, Advocate appears for Appellant and submits that he is no longer appearing for the Appellant. He further submits that Appellant has engaged some other counsel. He submits that he has issued a letter of discharge to the Appellant, however, the envelope has come back with the noting that Appellant is unavailable at the last known address. Original envelope along with the copy of letter is taken on record. Mr. Sanjeet Singh, Advocate is discharged.
2. Learned counsel for the Respondent has also intimated the Appellant about today's hearing by way of a letter. However, there is no appearance for the Appellant.
3. Appeal arises out of a decree of specific performance passed in favour of the Respondent in respect of suit property bearing no.132, Yusuf Sarai, Second Floor, New Delhi-16. The Trial Court has recorded that an agreement to sell was entered into between the Appellant and Respondent on 10th October, 2011. As per the said agreement, the Appellant had agreed to

sell the suit property to the Plaintiff for a total sum of Rs.18,00,000/- out of which Rs.16,50,000/- has already been paid by her. The Trial Court records that the Appellant's stand is that possession of the property has been taken by the Respondent's partner Shri D. N. Sood. However, the Trial Court thereafter finds that there is no evidence of such possession having been taken over by Mr. D. N. Sood. Under these circumstances, the decree for specific performance has been passed.

4. A perusal of the facts and the Trial Court judgment reveals that the Respondent has paid a huge amount of Rs.16,50,000/- pursuant to which the decree for specific performance has been passed. The Appellant has not appeared before this Court despite repeated attempts.

5. Since no one has appeared for Appellant, appeal is dismissed for non-prosecution. All pending applications also stand disposed of.

PRATHIBA M. SINGH, J.

MARCH 06, 2018/dk