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

+ RFA 194/2006

M/S MARUTI MAHIMA

..... Appellant

Through: None.

versus

CANARA BANK

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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11.09.2018

1. This appeal is on the Regular Board of this Court since 3.7.2018. Challenge by this first appeal under Section 96 CPC is by the defendant in the suit impugning the judgment of the trial court whereby the trial court has decreed the suit filed by the respondent/plaintiff/Canara Bank for a sum of Rs.9,40,945/- alongwith interest at 10% per annum. Suit was filed by the respondent/plaintiff on account of the appellant/defendant having obtained the financial limits from the respondent bank.

2. An interim application filed by the appellant for staying operation of the impugned judgment and decree was dismissed in terms of the order dated 26.5.2008 passed by the Division Bench of this Court as the

appellant/defendant failed to deposit even 50% of the decretal amount. While dismissing the application being CM No. 7286/2008 the Division Bench clarified the respondent/plaintiff/bank was free to execute the impugned judgment and decree.

3. Since no one appears for the appellant, the appeal is accordingly dismissed in default and for non-prosecution

4. Let no application for recall/restoration of this order be entertained by the Registry of this Court unless costs of Rs.25,000/- are first deposit with the website of www.bharatkeveer.gov.in.

VALMIKI J. MEHTA, J

SEPTEMBER 11, 2018/ib