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

+ CM(M) 248/2015 & CM No. 40982/2016

ISHWAR SINGH (DECEASED) THR LRS Petitioners

Through: Mr. A. Pal Singh, Proxy for Mr. Sunil
Chauhan, Adv.

versus

SUNDER SINGH & ORS Respondents

Through

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **05.02.2018**

The petition arises out of the proceedings relating to civil suit filed by the respondents against Ishwar Singh, since deceased, the petitioners now representing his estate, land comprised in Khasra No. 569, measuring 06 biswas situated within the revenue estate of Village Kishangarh, New Delhi being the subject matter, the relief claimed being in the nature of permanent injunction. Decree was passed in the said suit concededly on 02.04.2004. The said order was challenged in appeal which came to be dismissed in default on 08.01.2017. An application for its restoration was moved but was dismissed by order dated 05.02.2017. The said order was challenged by CM (M) 657/2007 which was allowed to be withdrawn by order dated 10.05.2007 giving liberty to the petitioners to move a review application against the order dated 05.02.2007. The review application was dismissed by the First Appellate Court on 31.10.2014. It is the said order which was challenged by the petition at hand.

The proceedings recorded in the petition reveal a state of total neglect. On the request of the counsel for the petitioner, the matter was adjourned by order dated 20th March, 2015 to 29th April, 2015. On 29th April, 2015, none appeared so the petition was dismissed for non-prosecution. Later on application for restoration (CM No. 9597/2015) the petition was restored. The matter was adjourned to 19.08.2015, with a direction for trial court record to be called for. Then the petitioner again sought adjournments but the matter having been listed on 19.08.2015 and 27.01.2016 did not see any effective proceedings. On 15.03.2016, notice was issued to the respondents, returnable on 08.8.2016. Notices were returned unserved. The order was renewed on 08.08.2016 but the petitioner would not take any steps. On 15.11.2016 on request of the counsel for petitioner, matter was again adjourned. There was similar lapse on 19th April, 2017. No steps have been taken thereafter for the respondents to be served for which there is no explanation. Today again the counsel for the petitioner is not present. There is no reason set out for his absence. Request for adjournment by proxy cannot be granted for asking.

The petition is dismissed for non-prosecution.

R.K.GAUBA, J

FEBRUARY 05, 2018

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