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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 209/2015**

SANJIV AGGARWAL

..... Appellant

Through: None.

versus

SAVITRI DEVI & ORS

..... Respondents

Through: Ms. Anju Lal and Ms. Shalu Lal,
Advocates (9810430756)

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **09.10.2018**

1. This appeal is listed in Court in terms of the order of the Joint Registrar dated 24.8.2018 as appellant has been found not to be pursuing this appeal inasmuch as no steps have been taken for service of respondents no. 5 to 7, and who were ordered to be served by publication in terms of the order dated 21.4.2017. Costs of Rs.5000/- were also imposed upon the appellant by the order dated 2.11.2017 and which costs have not been paid to the counsel for the appearing respondents. Counsel for the appearing respondents also states that appellant has not complied with the order for depositing of the money decree amount passed against the appellant for the mesne profits payable by the appellant in terms of the impugned judgment and decree, and consequently an application for stay of impugned judgment

was dismissed by a learned Single Judge of this Court on 22.9.2015 being CM No. 5772/2015, and thereafter the extension granted vide order dated 24.2.2016 for depositing the mense profits was also not complied with.

2. Accordingly, this appeal is dismissed in default and for non-prosecution.

3. Any interim order if continuing is automatically vacated.

4. No application for restoration or recall of this order be entertained by the Registry unless costs of Rs.20,000/- are first paid to the counsel for the appearing respondents and another sum of costs of Rs.20,000/- are deposited with the website www.bharatkeveer.gov.in.

VALMIKI J. MEHTA, J

OCTOBER 09, 2018

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