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

+ RFA(OS) 57/2016
VIPUL TANDON

..... Appellant

Through Mr. Nikhil Bhardwaj, proxy counsel.

versus

SARVINDER SINGH & ANR

..... Respondents

Through Mr. Amarjeet Sahni, Mr. Abhay Kaushik
& Ms. Shagufta Yasmin, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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17.07.2018

A request for adjournment is made on behalf of the appellant on the ground that the phone call was received from a friend, who had further received instructions from his friend to seek an adjournment. We had expressed our displeasure and refused to adjourn the matter. The matter was then passed over. At the second call, we are informed that the person one Mr. Sharma is unwell and for this reason, he cannot appear. We are not satisfied with the explanation. Moreover, the request for adjournment is opposed by counsel for the respondents, who submits that the decree was passed on an application filed by the respondent (plaintiff in the suit) under Order 12 Rule 6 C.P.C. It is submitted that the appellant is a rank trespasser, has no right, title or interest in the suit property. He further submits that the appellant was appointed as a care taker to look after the old mother, who was occupying the property in question and upon demise of the mother, the appellant had set up a Will. The same was challenged by the respondent herein and an ex-parte probate was granted. Thereafter, the said ex-parte probate was set aside and the probate petition was dismissed. He

further submits that in the suit for possession instituted by the respondent a diametrically plea of adverse possession has been taken, which the appellant would not be entitled to as held by the learned Single Judge.

The appeal is dismissed for non-prosecution.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 17, 2018/ck /

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