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

+ RSA 117/2017

ASHOK SHARMA & ORS Appellants

Through: None.

versus

MOHD HAFIS Respondent

Through: Mr. Imran Khan, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **23.07.2018**

1. This Second Appeal under Section 100 of the Code of Civil Procedure, 1908 (CPC) impugns the judgment and decree [dated 30th November, 2016 in RCA No.SCJ 5737/16 of Senior Civil Judge (South), Saket Courts, New Delhi] allowing the First Appeal under Section 96 of the CPC preferred by the respondent against the judgment and decree [dated 18th November, 2015 in Suit No.21/14 of the Court of Civil Judge-09, Tis Hazari Courts, Delhi] of dismissal of suit for declaration and permanent injunction filed by the respondent/plaintiff. The First Appellate Court has consequently passed a decree in favour of the respondent/plaintiff and against the three appellants/defendants namely (i) Ashok Sharma; (ii) Yogender Kumar Ujjawal; and, (iii) Pappu, of declaration of documents as forged, null & void and restraining the appellants/defendants from creating third party interest in the property.

2. This appeal came up before this Court first on 21st April, 2017, when, without indicating the substantial question of law, notice was ordered to be issued. Since then, the appeal is being adjourned.

3. Today, none appears for the appellants/defendants.
4. The counsel for the respondent/plaintiff states that a settlement has been arrived at before the Mediation Centre, Saket Courts, New Delhi in CC No.115/1/17. A copy of the order dated 20th December, 2017 of Judge Incharge, Mediation Centre, Saket Courts, New Delhi is handed over in the Court and is taken on record.
5. Be that as it may, since none appears for the appellants/defendant, dismissed in default.

RAJIV SAHAI ENDLAW, J

JULY 23, 2018
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