

\$~6

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

+ RFA 567/2017

DHARAMVIR

..... Appellant

Through: None.

versus

SHIV CHARAN RASTOGI

..... Respondent

Through: Mr. Mayank Rustagi, Advocate with
Mr. Akshit Rastogi, Advocate (M.
No.9810003385).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **23.10.2018**

1. On the last date of hearing i.e 13.8.2018, the following order was passed:-

“1. An adjournment is sought on behalf of the appellant, which is very vehemently opposed by counsel for the respondent.

2. The only reason for adjournment is that the appellant is not available, whereas it is not the appellant who has to argue the appeal but the counsel for the appellant. Therefore, in the interest of justice, but subject to payment of costs of Rs.5,000/- to counsel for the respondent, this appeal is adjourned but it is made clear that no further accommodation shall be granted to the appellant.

3. List on 23rd October, 2018.”

2. Counsel for the respondent states that he has not received the costs as imposed on 13.8.2018. No one is present for the appellant although it is 12.45 P.M.

3. This appeal is therefore dismissed in default and for non-prosecution. Let no application for restoration/recall of this order be entertained unless costs of Rs.20,000/- are first paid to the counsel for the respondent.

VALMIKI J. MEHTA, J

OCTOBER 23, 2018

Ne