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

+ FAO 542/2016, CM APPL. 43360/2016, CM APPL. 15080/2017, CM
APPL. 15125/2017, CRL.M.A. 6556/2017
ANUJ AGGARWAL Appellant

Through: Mr. Surender Kumar Sharma, Advocate.
(Mob.-9891297097)

versus

AJAY AGGARWAL Respondent
Through: Mr. Mayank Bansal, Adv.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **24.05.2018**

The learned counsel for the appellant states that despite his earnest and repeated efforts to obtain instructions from the appellant, he has not been able to obtain any, as the appellant informs him that he is sometimes in Dehradun and sometimes away to Gujarat.

On the previous date, it was noted that the case has been listed over 15 times; a stay of the impugned order operates against the appellant since 23.11.2016. On the previous date, the following order was passed:

“The learned counsel for the appellant states that he has received instructions from the appellant to appear in the case. He seeks time to file his vakalatnama within a week.

The Court would note that this case is listed 15 times. On 23.11.2016, a stay was granted in favour of the appellant. On 17.01.2018, the learned counsel for the parties submitted that *lis* had been amicably settled and sought three weeks' time to file the Settlement Deed along

with an application for disposal of the appeal in terms thereof and the case was renotified on 19.02.2018. On 19.02.2018, the same request was made and it was noted that:-

“ Learned counsel for the parties submit that the lis has been settled amicably. Hence, the appellant would not like to pursue this matter.

The Settlement Deed in terms of the order of submission of counsel on 17th January, 2018 has not been filed.

Counsel for the appellant, Mr. Rawat states that the agreement would be signed possibly in the course of the day. He will place the copy of the same before the next date.

At his request, list on 22nd February, 2018”.

The Court is of the opinion that this is nothing but an endeavour to delay the proceedings, especially because they had been granted interim stay.

In view of the above, the interim stay is vacated.

List on 24.05.2018.”

The aforesaid submission of the appellant’s counsel today, only reaffirms the Court’s impression. Such misuse of the judicial process cannot be allowed. In view of the above, the appeal is dismissed for non-prosecution. Any application by the appellant for restoration of the appeal shall not be listed unless Rs.1,00,000/- is paid by him as cost to the respondent, and Rs.50,000/- to the Delhi High Court Mediation & Conciliation Centre.

NAJMI WAZIRI, J

MAY 24, 2018/acm