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

+ RFA 36/2018, CMs No.1480-82/2018

NAZIR HUSSAIN

..... Appellant

Through: Mr.Javed Ahmed, Advocate

versus

RAM AVTAR JAIN

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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15.01.2018

1. After arguments and at the stage of dictation of the judgment for dismissal of the same, in the facts of the present case where the appellant/ plaintiff only pleads an agreement to sell, payment in cash not evidenced by any receipt, with the suit not being maintainable as it is not a suit for specific performance of the agreement to sell but for declaration and injunction, and that the suit filed on 25.04.2017 was barred by time as held by the trial court as filed on 25.4.2017 for cause of action accrued on 25.8.2012, accordingly, the appeal is allowed to be withdrawn without any judgment being passed.
2. Since the appeal is withdrawn, all pending applications stand disposed of.

VALMIKI J. MEHTA, J

JANUARY 15, 2018/pk