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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RSA 278/2017 & CM Nos. 44419/2017 (stay) & 44420/2017 (for
condonation of delay of 452 days in filing)

HARIA @ HARISH CHAND YADAV Appellant
Through: Mr. Sudhir Kumar and Mr. Jai
Bansal, Advocates

versus

BHIM SINGH Respondent
Through: None

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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21.08.2018

1. This Regular Second Appeal under Section 100 of the Code of Civil Procedure 1908 has been preferred impugning the judgment [dated 22nd August, 2016 in RCA 03/2014 of the Court of Additional District Judge-03, North-West] allowing the First Appeal preferred by the respondent and passing a decree in favour of the respondent and against the appellant, of recovery of possession of property No. J-1439, JJ Colony, Mangol Puri, Delhi, of recovery of arrears of mesne profits and of recovery of future mesne profits. The said First Appeal was preferred against the judgment and decree [dated 31st October, 2013 in Suit No. 154/2011 of the Court of Civil Judge-16] of dismissal of suit filed by the respondent/ plaintiff.
2. This Second Appeal came up before this Court first on 6th December, 2017, when without indicating the substantial question of law if any arising,

notice thereof was ordered to be issued. Thereafter, the appeal has been listed repeatedly on 12th January, 2018, 23rd January, 2018, 9th March, 2018, 24th May, 2018 and 25th May, 2018 for service of notice but the appellant/ judgment debtor has not been taking requisite steps.

3. Vide order dated 25th May, 2018, subject to deposit of the decretal amount, stay of execution was granted.
4. Office report mentions that appellant/ judgment debtor yet again did not take steps for service.
5. The appeal is accompanied with an application for condonation of 452 days delay in filing thereof.
6. Mr. Sudhir Kumar, Advocate for the appellant states that the appellant has not issued any instructions to the Advocate for today and has not deposited the amount.
7. None else appears for the appellant.
8. Dismissed in default.
9. The Trial Court record requisitioned be returned forthwith.

RAJIV SAHAI ENDLAW, J

AUGUST 21, 2018

SR.