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

+ RFA 225/2017 and C.M. No.7476/2017(for additional evidence)

BHUPESH KAUSHIK Appellant

Through: None.

versus

PARVEEN ANAND Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **08.02.2019**

1. One again no process fee has been filed. The complete negligence of the appellant of not filing the process fee has been noted in the last order dated 26.10.2018, and this order dated 26.10.2018 reads as under:-

“1. The height of gross negligence of the appellant and his counsel becomes clear from the fact that even in spite of last order dated 17.7.2018 giving last opportunity to file the process fee with the fresh address of the respondent, the same has not been complied with. The last order dated 17.7.2018 reads as under:

“1. Respondent be served both in the ordinary method as well as by registered post AD at the addresses of the respondent contained in the memo of parties filed in this Court and also additionally at any address which the appellant will supply of the respondent, returnable on 26th October, 2018.

2. It is noted that after issuing the notices in this appeal for 9.5.2017 till date process fee is not filed for service of the respondent and therefore counsel for the appellant is put to notice that in case if on this occasion correct process fee is

not filed for issuing of notice to the respondent, then, adverse orders may be passed against the appellant on the next date of hearing.”

2. Today, counsel for the appellant is, if I can say so lightly, acting as a super court by stating that he has not filed process fee so as not to trouble the Registry of this Court for not issuing notices. How absurd is the submission of the counsel for the appellant who was in fact directed to file the fresh address for service of the respondent/defendant. After looking at the impugned judgment it is found that fresh address definitely will be of the suit property at 95 Vishal Bhawan, Nehru Place, New Delhi with respect to which specific performance has been sought by the appellant/plaintiff. In any case, even if this Flat is locked as claimed by the appellant/plaintiff the concerned Maintenance Body will have the address of the respondent/defendant, and which the appellant has not taken any trouble to find out.

3. As a last opportunity and subject to deposit of costs of Rs.10,000/- by the appellant with the website www.bharakeveen.gov.in within a period of two weeks from today, process fee be thereafter filed by the appellant for service of respondent at the fresh address to be given alongwith the process fee within three weeks from today, including the additional address of the suit property at 95, Vishal Bhawan, Nehru Place, New Delhi, both in the ordinary method as well as by registered AD post, returnable on 8th February, 2019.”

2. It is therefore quite clear that appellant is not interested in pursuing this appeal.

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.5,000/- are first deposited with the website

www.bharatkeveer.gov.in. These costs of Rs.5,000/- are in addition to the costs imposed by the order dated 26.10.2018.

VALMIKI J. MEHTA, J

FEBRUARY 08, 2019

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