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IN THE HIGH COURT OF DELHI AT NEW DELHI

RFA 208/2012

RAJ KUMAR @ RAJA BHATNAGAR & ANR

..... Appellants

Through: None.

versus

RAKESH SETH & ORS

..... Respondents

Through: Mr.Vikram Seth, Mr.Yuvraj Seth,
Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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14.11.2019

CM APPL Nos.11213/2012, 14884/2018, 34489/2019

On 02.12.2013 the counsel for the appellant made a statement before this Court the appellant is willing to deposit mesne profits/damages for use and occupation at the rate of the rent being realized from the ground floor and at the rate of Rs.22,194/- per month for each of the first and second floors of the property. It was only on the deposit of the said amount the stay against execution was granted.

It is the submission of the learned counsel for the respondent the appellants have not making the payments of the mesne profits regularly and have not been paid the arrears since July, 2018 and are still in occupation of the premises.

On 19.08.2019 CM APPL.No.34489/2019 was taken up wherein the appellant's counsel sought discharge. The notice of the

said application was issued to the respondent. The learned counsel for the respondent no.1 appeared and sought the appeal be dismissed for non-prosecution. It was made clear on 19.08.2019 in case the appellants do not make alternative arrangement despite service of notice of the present application, this Court will be constrained to dismiss the appeal for non-prosecution.

The appellant is in arrears of rental and even today none is present on behalf of the appellant. It appears they are not interested to pursue this appeal. In the circumstances, the appeal stands dismissed for non-prosecution.

The amount lying deposited in this Court be released in favour of respondent no.1 on furnishing of security by him to the satisfaction of the Registrar General of this Court.

YOGESH KHANNA, J.

NOVEMBER 14, 2019

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