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

+ RFA 384/2017

GOPI CHAND

..... Appellant

Through: None.

versus

SANJAY KUMAR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **23.01.2019**

1. On the last date i.e on 26.11.2018 the following order was passed:-

“1. Once again an adjournment is sought on behalf of the appellant on the ground that the counsel for the appellant is not well. On a query raised by the Court it transpires that the counsel for the appellant had undergone bypass surgery way back in July, 2018 and today we are in the end of November. Therefore, reason for a counsel having undergone a bypass surgery is not a good ground for adjournment inasmuch as earlier adjournments had already been taken on 17.4.2018 and 17.8.2018.

2. Though, in the interest of justice this matter is adjourned, it is made clear that no further adjournment shall be granted to the appellant.

3. It is noted that the impugned judgment dismisses the suit although the respondent/defendant led no evidence inasmuch as the case of the appellant/plaintiff was found to be conflicting with pleadings.

4. Re-notify on 23rd January, 2019.”

2. No one has appeared for the appellant on two calls.

3. This appeal is therefore dismissed in default and for non-prosecution.

JANUARY 23, 2019/ib

VALMIKI J. MEHTA, J