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

+ CM(M) 1534/2018 & CM APPL No.52504/2018

SANJAY KUMAR BANSAL Petitioner

Through : Mr.Yudinder Lal, Adv.

versus

KAMAL CHUGH Respondent

Through : Ms.Priya Hingorani, Sr. Adv. with

Mr.Sarvesh Chaudhry, Adv.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **16.05.2019**

It is submitted by learned counsel for the petitioner that already a partial decree has been passed for possession in Civil Suit no.850/2018 and against which the petitioner has filed an appeal.

This petition rather challenge an order dated 19.11.2018 whereby the learned trial court had struck off the defence of the defendant as he had failed to file the written statement. A perusal of the order sheet shows defence was struck off on the ground of non-payment of rent by the petitioner herein from December, 2017 @ ₹ 80,000/- per month till date. Two opportunities were granted to the petitioner; first on 15.01.2019 and secondly on 11.3.2019 to make payments within stipulated time, but he had failed to comply. Considering the appeal has been filed against the decree, the petition has even otherwise become infructuous and is accordingly dismissed. Pending application also stand disposed of.

YOGESH KHANNA, J.

MAY 16, 2019

VLD