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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ RFA 348/2019 & CM APPL Nos.18369/2019, 18371/2019  
NEERAJ BHATIA & ANR

..... Appellants

Through : None

versus

M/S D PAULS CAPITAL LTD & ORS

..... Respondents

Through : Mr.Rakesh Tikku, Sr. Adv. with  
Mr.Hem Singh, Adv. for R-1  
Mr.Rakesh Agarwal, Adv. for R-2

**CORAM:**  
**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

% **06.01.2020**

None appears for the appellant despite second call. Even on the last date of hearing viz. 11.10.2019, an adjournment slip was moved on behalf of the appellant. It is pertinent to note the sale deed qua the subject property has already been executed on 15.03.2019 in favour of respondent No.1.

It is to be noted the respondent No.3 died during the pendency of the suit and his legal heirs were impleaded before the learned trial court. However, in the appeal yet again the respondent No.3 has been made a party without impleading his legal heirs and even despite this fact being brought to the notice of the counsel for the appellant on 20.05.2019, no appropriate steps have been taken to amend the memo of parties.

Even otherwise, it is argued by the learned senior counsel for respondent No.1 the appeal has not been filed by a duly authorised counsel and has referred to a Power of Attorney annexed with the *Vakalatnama* dated 08.04.2019 of the appellant herein. The said Power of Attorney annexed was probably given in CS(OS) No.2156/2003 titled as *Mrs. Shalini Bhatia V. Dr.Pramod Kumar Sood* pending at such time in this Court in respect of the subject property. The said suit has since been dismissed on 19.11.2019. Learned senior counsel also urges an action be taken under Section 340 Cr.P.C. Since none has appeared I do not intend to give my view on this at this stage.

As it appears the appellant seems to have lost interest in this litigation. The appeal is thus dismissed in default and for want of prosecution. Pending applications, if any, are also disposed of.

The executing court may proceed as per law.

Order *dasti*.

**YOGESH KHANNA, J.**

**JANUARY 06, 2020**

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