



\$~58

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

+ RFA 62/2021

SH. JAI PRAKASH & ANR.

.....Appellants

Through:

versus

SH. TEK CHAND (SINCE DECEASED) THROUGH HIS LRS SH.
SOHANVEER & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

02.05.2025

CM APPL. 26471/2025

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), respondent No.1(B) - Mr. Ravi Dutt - seeks cancellation of the endorsement made on the sale deed furnished by him in compliance of para 7 of order dated 04.03.2022.

2. *Vide* para 7 of order dated 04.03.2022, the Predecessor Bench of this court had directed that the respondents would be permitted to withdraw the amount deposited by the appellants subject to furnishing requisite surety. The relevant portion of order dated 04.03.2022 reads as follows :

“7. On deposit of said amount, the total amount with upto date interest be released in favour of respondents on furnishing the requisite surety to the satisfaction of the learned Registrar General of this Court, as per rules.”



3. The applicant - Mr. Ravi Dutt - is present in-person and his credentials have been verified by way of his Aadhar Card. He submits, that on point of fact, the parties have amicably resolved the matter and the present proceedings have become infructuous and that therefore the endorsement made on the sale deed furnished by him in compliance of para 7 of order dated 04.03.2022 be cancelled.
4. The record of the present proceedings however shows that the appeal was dismissed in default and for non-prosecution *vide* order dated 15.05.2024 since the appellants had failed to appear or be represented in the matter on 15.03.2024 and 15.05.2024. However it is also noticed that no application has been filed by the appellants for restoration of the appeal, despite lapse of almost 01 year.
5. Mr. Dutt points-out, that as would be seen from a perusal of order dated 11.12.2023, sale deed dated 23.03.2022 of property bearing Plot Nos.6 and 7 measuring 148.33 sq. yards comprised in Khasra No.268 situate in Village : Aurangabad Gadana, Pargana, Jalalabad, Tehsil : Modi Nagar, District : Ghaziabad, Uttar Pradesh was furnished by him as security in the present case; and the original sale deed was returned to him after making an endorsement thereon. Mr. Dutt has produced the original sale deed dated 23.03.2022 which bears endorsement dated 15.03.2024 which records that the title document was offered as security in the present regular first appeal.
6. Mr. Dutt prays, that in view of the appeal proceedings having coming to an end, even if by the appeal having been dismissed in default, the endorsement on his sale deed be revoked and cancelled.



7. The court has gone through the order sheets in the matter. As recorded above, the appeal stands dismissed in default and for non-prosecution *vide* order dated 15.05.2024; and no restoration application has been filed despite lapse of almost 01 year.
8. In the circumstances of the case and after perusing the order sheets in the matter, and in view of the prayer made, it is not considered necessary to issue notice on this application.
9. The application is allowed.
10. The Registry is directed to cancel the endorsement made on sale deed dated 23.03.2022 within 05 days of the applicant/respondent No.1(B) – Mr. Ravi Dutt - approaching them for this purpose. Mr. Dutt is directed to produce the original sale deed alongwith a certified copy of this order before the Registrar General of this court for the above purpose. The Registry is also directed to retain a complete photocopy of the sale deed (front and back), both with the endorsement and after canceling the endorsement, for the record.
11. Let a certified copy of this order be given to the applicant for his record.
12. The application stands disposed-of.

RFA 62/2021

13. The regular first appeal already stands disposed-of *vide* order dated 15.05.2024.

ANUP JAIRAM BHAMBHANI, J

MAY 2, 2025/ak