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IN THE HIGH COURT OF DELHI AT NEW DELHI

RFA(COMM) 197/2023 & C.M.Nos.46421/2023, 46423/2023

SHANTI MAHATO

.....APPELLANT

Through: Mr.K.K.Jha, Advocate.

versus

GULSHAN VERMA & ANR.

.....RESPONDENTS

Through: Mr.Sameer Dewan with Mr.Sachin
Sharma and Mr.Sachin Chaudhary,
Advocates for R-1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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05.11.2024

1. On 07th October, 2024, this Court had passed the following order:-

“1. Learned counsel for the respondent states that the decretal amount has not been deposited by the appellant.

2. It is made clear to the appellant that in case the decretal amount is not deposited by the appellant within three weeks, the present appeal shall stand dismissed.

3. In the interest of justice, list on 05th November, 2024.”

2. Learned counsel for the respondent no.1 states that the decretal amount has not been deposited by the appellant till date. It is pertinent to mention that while declining the relief for specific performance, the Trial Court had directed the appellant-defendant to refund the amount that she had received as advance consideration under the agreement to sell.

3. Even notice has not been served upon respondent no.2 till date.

4. Accordingly, the present appeal along with the applications is dismissed in default and on account of non-prosecution.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 5, 2024/KA