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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 990/2023, CM APPL. 65691/2023, 65693-94/2023,**
20248/2024 & 20435/2024
MONIKAAppellant

Through: None.

versus

HARSH DEWANRespondent
Through: Mr. H.R Singh, Advocate

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER
23.07.2024

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1. Learned Counsel for the Respondent draws the attention of this Court to the Undertaking dated 08.04.2024 which was filed by the Appellant wherein the Appellant had undertaken to hand over the vacant, physical possession of the Upper Ground Floor of the premises bearing no. 278, Kohat Enclave, Pitampura, Delhi [hereinafter referred to as 'subject premises'] on or before 15.07.2024.
2. Learned Counsel for the Respondent submits that the physical possession of the subject premises has not been handed over by the Appellant till today. He further seeks to rely upon the Orders dated 18.12.2023 and 09.04.2024 passed by a Coordinate Bench of this Court to submit that despite assurances and undertakings given to this Court on more than one occasion, the payment of balance rental/outstanding *mesne* profits with respect to the subject premises, have also not been made by the Appellant.



3. It is contended that no payments have been made during the pendency of the present Appeal and even for several months prior thereto.
4. Learned Counsel for the Respondent further submits that the Respondent has also been constrained to initiate proceedings for violation of the Order dated 18.12.2023, which is pending before a Coordinate Bench of this Court in **CONT.CAS(C) 494/2024** and is next listed on 18.09.2024.
5. None appears for the Appellant even on the second call.
6. Accordingly, the present Appeal is dismissed in default and for non prosecution. All pending Applications stand closed.

TARA VITASTA GANJU, J

JULY 23, 2024/g.joshi

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