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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1167/2021**
SH.ANIL KUMAR YADAV

.....Petitioner

Through: None.

versus

SH.DEEP CHAND

.....Respondent

Through: Mr. Sandeep Vishnu, Adv. (through
VC)

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
05.08.2025

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CM APPL. 37368/2025

1. None appears on behalf of petitioner.
2. The ordinary process sent to petitioner has been received back unserved with remarks "not available".
3. There was last appearance from the side of petitioner on 31.01.2024 when it was apprised that parties had, almost, reached a settlement.
4. The parties were already before mediation and admittedly, both the sides reached some amicable settlement on 04.03.2024 and the settlement terms are duly recorded therein.
5. Learned counsel for respondent submits that while entering into abovesaid settlement, petitioner had even made part-payment of Rs.2 lacs and

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such fact is also duly recorded in mediation settlement. It is also submitted that as per terms of settlement, petitioner was required to make further payment of Rs.23 lacs and on such payment being received by respondent, the respondent was to execute documents in favour of the petitioner. The settlement terms was also containing a default provision whereby, if the payment, as undertaken by petitioner, was not made, he was required to handover vacant peaceful possession of the property in question to respondent.

6. Fact, however, remains that after the settlement, there is no appearance from the side of petitioner and, quite probably, he seems to be retracting from the terms of settlement.

7. Be that as it may, since there is no appearance from the side of petitioner for last four consecutive dates and today also, there is no one present from the side of petitioner, the present petition is hereby *dismissed in default* and for *non-prosecution*.

8. Needless to say, respondent would be at liberty to pursue any other judicial remedy as available to him under law, if he is desirous to seek possession of the property in question.

9. Pending applications also stand disposed of in aforesaid terms.

MANOJ JAIN, J

AUGUST 5, 2025/ck/js