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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 650/2010 & CM APPL. 16275/2010
CK METAL WORKS & SURENDRA ELECTRICALS.....Appellant
Through: None.

versus

BSES YAMUNA POWER LTDRespondent
Through: Mr. Manish Srivastava, Mr. Moksh
Arora, Mr. Santosh Ramdurg, Advs.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **25.03.2026**

1. This hearing has been done through hybrid mode.
2. The present appeal under Section 96 of the CPC seeks the following prayers: -

“It is, therefore, most respectfully prayed that the appeal of the appellant may please be accepted, set aside the impugned judgment and decree of the trial Court dated 10.09.2009 passed in Civil Suit No. 238/2005 by the Ld. Court of Sh. Sanjeev Jain, ADJ, Delhi and allow/decreed the suit, of the appellant/plaintiff as prayed for, in the interest of justice.”

3. *Vide* order dated 28.11.2011, learned Predecessor Bench of this Court passed the following order: -

“C.M. No. 16274/2010 (condonation of delay)”

For the reasons stated in the application, delay of 139 days in filing the appeal is condoned subject to payment of costs of Rs. 5,000/- within two weeks. In case, costs are not deposited within two weeks, the appeal will be deemed to be dismissed.”



4. There has been no appearance on behalf of the appellant on 15.02.2012, 29.11.2024, 06.12.2024, 11.12.2024, 17..12.2024, 10.02.2025, 09.05.2025 and 06.11.2025.
5. Court notice issued to the appellant *vide* order dated 09.05.2025 has come back unserved with remarks that no such person resides at the address given in the memo of parties.
6. None appears on behalf of the appellant today and cost in terms of the aforesaid order has also not been deposited.
7. In view of the above, the present appeal is dismissed in default for non-prosecution and disposed of.
8. Pending application(s), if any, also stand disposed of.
9. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

MARCH 25, 2026/kr/sg