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

+ CS(OS) 256/2008 & OA No.86/2015

M/S CONVERGE COMMUNICATIONS Plaintiff
Through Mr. Pankaj Kapur, Adv

versus

M/S JAIN STUDIOS LTD. Defendant
Through Ms. Ruchira Goel, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **07.10.2015**

IA No.21340/2015 (by counsel for the plaintiff u/Sec.151 CPC)

1. The present application has been filed by the counsel for the plaintiff praying *inter alia* for seeking discharge from the present case on the ground that despite several attempts made by him to get in touch with the plaintiff/company, their representatives have failed to give him any instructions in the suit.
2. A perusal of the application reveals that learned counsel for the plaintiff has not filed the copies of the letters of intimation addressed to the plaintiff, informing them of today's date of hearing.
3. Counsel for the plaintiff states that he had taken steps to send e-mails to the plaintiff, the last one dated 3.10.2015, which was duly received by them. He hands over copies of three e-mails dated 17.2.2015, 23.2.2015 and 3.10.2015 sent to the plaintiff informing them of the next date of hearing. The same are taken on record.

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4. In view of the averments made in the application, the same is allowed and the learned counsel for the plaintiff is discharged from the present case.

5. The application is disposed of.

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1. Despite the fact that the plaintiff has been duly informed by its counsel that the date fixed in the present case is for today and they have been called upon to take steps to be duly represented in court, none has appeared for them.

2. It is, therefore, assumed that the plaintiff is not interested in prosecuting the present suit.

3. Accordingly the suit is dismissed for default and for non-prosecution along with the pending application and the Chamber Appeal.

HIMA KOHLI, J

OCTOBER 07, 2015

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