

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

+ CS(OS) 728/2012 & IA No.5446/2012

Decided on : 27.01.2015

IN THE MATTER OF:

PREM WATI SAINI

..... Plaintiff

Through : None.

versus

SURESH CHAND SAINI & ORS

..... Defendants

Through : None.

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J.(Oral)

1. The case is being taken up today as 23rd January, 2015 was declared a holiday.

2. The present suit has been placed before the Court by the Joint Registrar with an observation that none has been appearing for the parties. Further, though two weeks' time was granted to the plaintiff, vide order dated 30.7.2014. to conclude admission/denial of documents subject to payment of costs, steps have not been taken by the plaintiff to deposit the costs or to conclude the admission/denial of documents.

3. A perusal of the order sheets reveals that the plaintiff's counsel has been quite indifferent in pursuing the present case. Vide order dated 2.7.2014, the Joint Registrar had recorded that none was present on behalf of either side, despite being granted a pass over. Accordingly, the suit was directed to be placed before the Court on 30.7.2014.

4. On 30.7.2014, counsel for the plaintiff had entered appearance and sought more time to conclude admission/denial of documents. At the request of the counsel for the plaintiff, the suit was placed before the Joint Registrar on 3.11.2014 for completion of admission/denial of documents, subject to deposit of costs of ₹5,000/-. Again none had appeared for either of the parties on 3.11.2014 and same was the position on 12.12.2014.

5. It appears that the plaintiff is not interested in prosecuting the present suit, which is accordingly dismissed in default and for non-prosecution, along with the pending application.

JANUARY 27, 2015
sk/mk

(HIMA KOHLI)
JUDGE