

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

+ CS(OS) 788/2012

Decided on : 29.01.2015

IN THE MATTER OF:

M/S TRANS ACNR SOLUTIONS

..... Plaintiff

Through: None

versus

M/S KAY KAY LOGISTICS

..... Defendant

Through: None

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J.(Oral)

1. The suit has been placed before the court by the Joint Registrar who had recorded in the order dated 19.1.2015, that none had appeared for the plaintiff. Further, the plaintiff has not taken any steps to comply with the orders passed earlier.

2. A perusal of the order sheets reveals that summons were issued in the suit on 26.3.2012, returnable on 18.9.2012. However, it was recorded on 18.9.2012, that the process fees had remained under objections. Another opportunity was granted to the plaintiff to file the process fees and the suit was adjourned to 25.2.2013. On 25.2.2013, yet again, it was recorded that summons could not be issued to the defendant for want of

process fees. Last opportunity of one week was granted to the plaintiff to file the process fees for effecting service on the defendant, returnable on 11.9.2013. On 11.9.2013, the summons sent to the defendant, were returned unserved at both the addresses and at the request of the counsel for the plaintiff, *dasti* summons were issued to the defendant, returnable on 6.2.2014. On 6.2.2014, as the Joint Registrar was on leave, the suit was adjourned to 28.3.2014.

3. On 28.3.2014, it was noted that the process fees filed by the plaintiff was returned under objections. Learned counsel was granted one more opportunity to serve the defendant, by the three modes and *dasti*, returnable on 2.5.2014. On 2.5.2014, it was recorded that the defendant had remained unserved as the process fees had not been filed by the plaintiff. The plaintiff was once again directed to take steps to serve the defendant by all the modes of communication allowed, as per the CPC, returnable on 8.7.2014.

4. On 8.7.2014, it transpired that the plaintiff had not taken any steps to make compliances of the previous orders. Another opportunity was granted to the plaintiff to make compliances and the suit was adjourned to 29.8.2014. On 29.8.2014, again, it was recorded that no steps had been taken by the plaintiff to make compliances, and the suit was adjourned to

15.12.2014. On 15.12.2014, the Joint Registrar had recorded that as per the report of the postal authorities, the defendant was not residing at the given address. Counsel for the plaintiff was directed to take fresh steps for effecting service on the defendant and the suit was adjourned to 19.1.2015 for further proceedings. On 19.1.2015, none had appeared for the plaintiff, nor was the process fees filed, along with the fresh address of the defendant. As a result, the Joint Registrar has placed the file before the court.

5. None is present for the plaintiff today. It appears that the plaintiff is not interested in prosecuting the present suit. The same is accordingly dismissed in default and for non-prosecution.

(HIMA KOHLI)
JUDGE

JANUARY 29, 2015
mk