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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 1949/2012 & IA No.12027/2012

JINENDRA KUMAR JAIN & ANR
Through None

..... Plaintiffs

versus

RAJMILK SINGH OBEROI & ORS
Through None

..... Defendants

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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06.01.2015

1. The present suit has remained at the stage of admission since 9.7.2012. On 28.8.2012, learned counsel for the plaintiffs was requested to address the court on the maintainability of the suit in the light of the provisions of Order XXI Rule 101 CPC. At the request of counsel for the plaintiffs, the matter was adjourned to enable him to examine the issue and obtain instructions. Subsequently, vide order dated 22.7.2013, last opportunity was granted to the plaintiffs to place on record the certified copies of the relevant orders, in terms of an earlier order dated 26.2.2013. The said order has also not been complied with till date.

2. The matter was passed over on the first call as none was present on behalf of the plaintiffs. Same is the position even on the second call.

3. In the above circumstances, the court has no option, but to dismiss the suit in default as well as for non-prosecution, along with pending application. Ordered accordingly.

JANUARY 06, 2015
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HIMA KOHLI, J