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

+ CS(OS) 1430/2010

M/S ATOZ PHARMACEUTICALS PVT LTD

..... Plaintiff

Through: None

versus

OCHOA LABORATORIES LTD & ORS

..... Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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02.02.2015

1. Vide order dated 24.11.2015, the Joint Registrar had recorded that none had been appearing for the plaintiff for the last couple of dates. With these observations, the file was forwarded to this Court on 13.01.2015. On 13.01.2015, none had appeared for the plaintiff and as no time was left, the suit was adjourned for today. Even today, none is present on behalf of the plaintiff.

2. A perusal of the order sheets reveals that summons in the present summary suit were issued as per the prescribed format on 27.07.2010 returnable on 27.10.2010. On the said date, the summons were returned unserved and the plaintiff was directed to take fresh steps to serve the defendants returnable on 24.02.2011. However, the summons were returned on two occasions as unserved and the

plaintiff was directed to take steps to file the fresh process fee for effecting service of the summons on the defendants. On 30.10.2012, it was recorded that steps for serving the defendants could not take place for want of the process fee and the position remained the same on 26.03.2014, when counsel for the plaintiff had submitted that she would be filing an application for seeking substituted service on the defendants. But no such application was filed by the plaintiff and after 26.03.2014, none has appeared for the plaintiff.

3. It appears that the plaintiff is not interested in prosecuting the present suit, which is accordingly dismissed in default and for non-prosecution.

HIMA KOHLI, J

FEBRUARY 02, 2015

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