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

+ CS(OS) 1431/2009 and I.A. 9980/2009, 21765/2014,
TVC SKY SHOP & ANR. Plaintiffs
Through: Mr. Rohan Kaushal, Advocate

versus

M/S GTM TEleshopping P. LTD AND ORS Defendants
Through: Mr. Amit Jain, Advocate with
Ms. Babita, Advocate for D-1 and D-2.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **30.09.2015**

1. Vide order dated 16.07.2013, after the pleadings were completed, issues were framed. Thereafter, an application was filed by the defendants No.1 and 2 for amendment of the written statement, which was allowed on 02.12.2013. On 30.04.2014, additional issues were framed and the parties were directed to file their list of witnesses within four weeks. The plaintiffs were directed to produce the affidavits by way of evidence within eight weeks and the case was directed to be placed before the Joint Registrar on 10.09.2014, for further proceedings.

2. On 10.09.2014, both sides had sought time to file their lists of witnesses. Counsel for the plaintiffs had stated that he had filed the

affidavit of one of the witnesses. While directing him to ensure that the affidavits of other private witnesses are filed within eight weeks, the case has been listed on 24th and 25th February, 2016 for recording the plaintiffs' evidence. Thereafter, counsel for the plaintiffs had stopped appearing in the suit. On 24.02.2015, the Joint Registrar had waited for the counsel for the plaintiffs/plaintiffs to turn up but none had appeared and the case was adjourned for the next day, i.e., 25.02.2015. The position remained the same on the said date also and none had appeared for the plaintiffs.

3. Today, counsel for the plaintiffs states that repeated efforts have been made by him to obtain instructions from his clients but they have declined to respond to him and on one occasion, they had informed him that they would be taking steps on their own and he need not appear in the case.

4. It appears that the plaintiffs are not interested in prosecuting the present suit, which is accordingly dismissed in default and for non-prosecution alongwith the pending applications.

SEPTEMBER 30, 2015
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HIMA KOHLI, J