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

+ CS(OS) 1605/2009

SELCO INTERNATIONAL LIMITED

..... Plaintiff

Through: None

versus

NATIONAL BUILDINGS CONSTRUCTION & ORS..... Defendants

Through: Mr. Pankaj Kumar, Advocate for

Mr. Sanjeev Mahajan, Advocate for D-1.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 11.03.2015

1. The suit has been placed before the Court by the learned Joint Registrar, who has recorded in the order dated 10.02.2015 that the plaintiff has failed to file the list of witnesses and affidavit by way of evidence in terms of the orders passed on 11.02.2014.

2. A perusal of the order sheets reveals that issues were framed on 11.02.2014. On the said date, the plaintiff was directed to lead evidence in the first instance and was called upon to file the list of witnesses within four weeks. The affidavit by way of evidence was to be filed by the plaintiff within eight weeks. It was further ordered that if the affidavits by way of evidence are not filed within the stipulated time, then the same would be taken on record only upon the plaintiff

CS(OS) 1605/2009

Page 1 of 2

depositing costs of ₹40,000/- with the Delhi High Court Legal Services Committee.

3. The plaintiff did not take any steps to file its list of witnesses or the affidavit by way of evidence within the stipulated time. A perusal of the order dated 10.02.2015 reveals that the counsel for the plaintiff had sought discharge from the case on the ground that his client had not been contacting him despite court notice being issued to it. Same is the position today. None is present on behalf of the plaintiff and nor has the list of witnesses or the affidavit by way of evidence been filed by the plaintiff.

4. 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

MARCH 11, 2015

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