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

+ CS(OS) 1895/2009

KAMLESH KHATRI

..... Plaintiff

Through: None

versus

M/S SURBHI ASSOCIATES & ORS

..... Defendants

Through: Mr. Alok Kumar, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **11.08.2015**

1. On 24.03.2015, the application filed by the counsel for the plaintiff for seeking discharge from the present case due to lack of instructions from his client was duly allowed. Simultaneously, court notice was issued to the plaintiff returnable on 06.07.2015. On 06.07.2015, fresh notice was directed to be issued to the plaintiff.

2. As per the office report, the plaintiff was duly served on 17.07.2015. Despite the same neither the plaintiff nor her counsel is present. A perusal of the order sheets reveals that issues were framed in the suit as long back as on 05.05.2011, whereafter the plaintiff was directed to lead the evidence by filing the affidavit by way of evidence. After imposing costs due to delay in filing the list of witnesses and the

affidavit by way of evidence, the same were taken on record. Thereafter, repeated adjournments were sought by the counsel for the plaintiff for one ground or the other and further costs were imposed on the plaintiff. It has been five years since the issues were framed in the suit but the plaintiff did not lead the evidence. Finally, vide order dated 05.01.2015, the Joint Registrar had closed the right of the plaintiff to lead the evidence.

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

AUGUST 11, 2015

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