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

+ CS(OS) 256/2014

M/S HCL INFOSYSTEMS LTD ..... Plaintiff  
Through: Mr. N.L. Singh, Advocate

versus

TGM TECHNO SCHOOL & ANR ..... Defendants  
Through: None

**CORAM:**  
**HON'BLE MS. JUSTICE HIMA KOHLI**

% **ORDER**  
**14.05.2015**

1. The suit has been placed before the Court by the Joint Registrar, who has recorded in the order dated 12.03.2015, that the plaintiff has failed to take any steps to effect service on the defendants and nor has anyone appeared for the plaintiff.

2. A perusal of the order sheets reveals that summons were issued in the suit on 29.01.2014, returnable on 15.05.2014. It was recorded on 15.05.2014 that both the defendants were unserved and fresh summons were directed to be issued to the defendants by all modes, returnable on 21.08.2014. However, the plaintiff had failed to file the process fee. On 21.08.2014, it was again recorded that both the defendants had remained unserved and fresh summons were directed to be issued to them, returnable on 07.11.2014. On 07.11.2014, as

per the office report, both the defendants had remained unserved with the report that the premises was vacated three years ago. The plaintiff was directed to furnish the fresh addresses of the defendants and file the process fee for summons to be issued to them, returnable on 19.01.2015. On 19.01.2015, none had appeared for the plaintiff and the Joint Registrar had recorded that steps had not been taken by the plaintiff in terms of the last order. However, another opportunity was granted to the plaintiff to take fresh steps for effecting service on the defendants and the case was adjourned to 12.03.2015. On 12.03.2015, yet again, none had appeared for the plaintiff and nor had any steps been taken to furnish the fresh addresses of the defendants alongwith the process fee. As a result, the case was directed to be placed before the Court.

3. From the manner in which the plaintiff has been prosecuting the present suit, it is apparent that it is not serious. The present suit has remained at the stage of service ever since 29.01.2014. Even today, counsel for the plaintiff seeks further time to enable him to take steps to file an application for effecting substituted service on the defendants. If the learned counsel and the plaintiff were serious, the said application should have been filed by now, particularly, when the Court was on leave on 15.04.2015 and the matter was adjourned for

today. Pertinently, counsel for the plaintiff was present on the said date and was well aware of the consequences of non-compliances of the earlier orders.

4. In view of the above, the suit is dismissed for non-prosecution.

**MAY 14, 2015**  
rkb/mk

**HIMA KOHLI, J**