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

\+ CS(OS) 2240/2008

SMT. TARA BALAGOPAL ..... Plaintiff
Through: None

versus

SHRI R. RAJENDRAN & ORS ..... Defendants
Through: Ms. Rashmeet Kaur, Advocate with
Ms. Arpana Majumdar, Advocate for D-3.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

% 01.10.2015

1. The case was passed over on the first call to await the presence of the counsel for the plaintiff. It is 3:17 PM now. However, none is present on behalf of the plaintiff.

2. Counsel for the defendants No.1 and 3 states that the defendant No.3, mother of the plaintiff and the defendant no.1 and 2 had passed away in Pennsylvania, U.S.A. on 18.08.2013 and defendant No.2, brother of the plaintiff and defendant No.1 had passed away on 13.11.2011 in Texas, USA. Copies of the death certificates of the defendants No.2 and 3 are handed over and taken on record.

3. On 28.07.2015, it was noted that a preliminary decree had already been passed on 17.7.2014 in respect of the Rajouri Garden

property. Counsel for the plaintiff had stated that he would be confining the present suit to the Rajouri Garden property while reserving the right of the plaintiff to seek her legal remedies in respect of the Sunder Vihar property. Accordingly, a Local Commissioner was appointed to visit the Rajouri Garden property and submit a report as to whether it could be partitioned by metes and bounds. The Local Commissioner has submitted a report dated 24.08.2015 stating *inter alia* that though the counsel for the defendant No.1 had appeared before him on 07.08.2015, 12.08.2015, 17.08.2015 and 19.08.2015, none had appeared for 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

OCTOBER 01, 2015
rkb/ap