

15.

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

+ CS(OS) 3003/2012

ASHISH BATRA

..... Plaintiff

Through : Mr. R.D. Sharma, Advocate

versus

AMRIT PAHUJA

..... Defendant

Through : Mr. N.K. Nayyar, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

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08.04.2015

I.A. No.25009/2014 (by the counsel for the plaintiff for seeking discharge)

1. The present application was listed on 5.2.2015, on which date, counsel for the plaintiff was unable to inform the Court as to the fate of the notice sent by him to his client by speed post and had sought some time.

2. Today, counsel for the plaintiff states after the last date of hearing, he has issued a fresh notice to his client on 6.2.2015, which was despatched by speed post, but the said article has been returned unserved with the remarks "the article has remained undelivered".

3. It is stated by the counsel for the plaintiff that there is no other address of the plaintiff available with him and despite best efforts

CS(OS) 3003/2012

Page No.1 of 2

made by him, his client neither contacted him, nor given him any instruction. An affidavit has been filed by the counsel for the plaintiff under index dated 19.2.2015, in support of the averments made in the application.

4. In view of the averments made in the application and the affidavit, the same is allowed and counsel for the plaintiff is discharged from the present case.

5. The application is disposed of.

CS(OS) 3003/2012 & IA No.18198/2012

None is present for the plaintiff. It appears that the plaintiff does not wish to pursue the present suit. The same is accordingly dismissed in default for non-prosecution, along with the pending application.

APRIL 08, 2015

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HIMA KOHLI, J