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

+ **TR.P.(CRL.) 53/2015**

R S BUILTWELL PVT LTD Petitioner

Through: **Mr. Ajay Kalra, Advocate**

versus

SMT SEEMA GARG Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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30.11.2015

The present case has been listed on an office note.

A perusal of the office note reveals that the present case has been lying under objections since 25.10.2013.

The counsel who has instituted this case has been informed/reminded orally to collect the said matter and re-file the same after removing the objections. However, the same has not been done.

The Chapter-1, Part A (a) Rule-5 of the Delhi High Court Rules and Orders, Volume-V provides as under:-

"5. The Deputy Registrar/Assistant Registrar, In-charge of the Filing counter, may specify the objections (a copy of which will be kept for the Court Record) and return for amendment and re-filing within a time not exceeding 7 days at a time and 30 days in the aggregate to be fixed by him, any memorandum of appeal, for the reason specified in Order XLI, Rule 3, Civil Procedure Code.

(2) If the memorandum of appeal is not taken back for amendment within the time allowed by the Deputy Registrar/Assistant Registrar, In-charge of the filing Counter under sub-rule (1), it shall be registered and listed before the Court for its dismissal for non-prosecution.

(3) If the memorandum of appeal is filed beyond the time

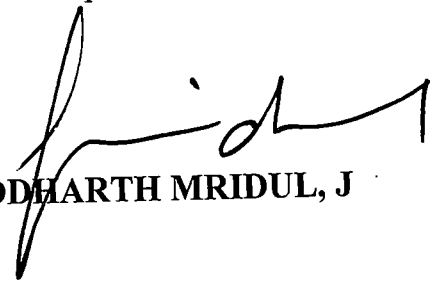


allowed by the Deputy Registrar/Assistant Registrar, In-charge
of the Filing Counter, under sub-rule (1) it shall be considered
as fresh institution.

A perusal of the said rule reveals that if the petition is not taken back for
amendment, it shall be registered and listed before the Court for its dismissal for
non-prosecution.

In view of the foregoing, the present petition is dismissed for non-
prosecution and disposed of accordingly.

NOVEMBER 30, 2015
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SIDDHARTH MRIDUL, J