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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 2305/2009 and I.A. 15732/2009, CCP(O) 29/2010,
CCP(O) 48/2010

E2 LABS INFORMATION SECURITY PVT LTD & ANR..... Plaintiffs
Through: Mr. Rituraj Singh, Advocate with
Mr. Somnath D.C., Advocate

versus

ROBERTO PREATONI & ORS Defendants
Through: Defendants are *ex-parte*.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
05.08.2015

1. Defendants No.2, 3, 4 and 6 were proceeded against ex-parte vide order dated 29.10.2010. The remaining defendants were proceeded against ex-parte vide order dated 29.08.2011 and the plaintiffs were directed to lead the ex-parte evidence. The ex-parte evidence was finally concluded on 14.08.2013. Thereafter, the case has remained pending for final arguments.

2. On 08.12.2014, counsel for the plaintiffs had sought time to file an affidavit of the plaintiffs under Section 65-B of the Evidence Act. However, the said affidavit was not filed. Another opportunity for the said purpose was granted to the counsel for the plaintiffs on 13.04.2015. Yet again, the affidavit has not been filed.

3. Counsel for the plaintiffs states that repeated efforts have been made by him to contact the plaintiffs at the addresses available with him but they have failed to respond. He states that repeated letters/reminders have been dispatched by them to the plaintiffs calling upon them to contact the counsel and give instructions but to no avail. The last e-mail in this regard was dispatched by the counsel for the plaintiffs to the plaintiffs on 30.04.2015, informing them that in the absence of any instructions, he would not be appearing in the case on 05.08.2015, i.e., today. Learned counsel states that inspite of the said e-mail having been received by the plaintiffs, he has not received any instructions from them. Copies of the said e-mails/letters have been filed by the counsel for the plaintiffs under index dated 21.07.2015.

4. It appears that the plaintiffs are not interested in prosecuting the present suit. The same is accordingly dismissed in default and for non-prosecution alongwith the pending application and the contempt petitions.

HIMA KOHLI, J

AUGUST 05, 2015

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