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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 143/2009

MRS.OM LATA BAHADUR & ANR.

..... Plaintiffs

Through None

versus

MRS.PRADEEP GARG & ANR.

..... Defendants

Through: Mr.Ajay Jain, Mr.Abhishek Jain &

Mr.Virender Rana, Advocates

Ms.Yoothica Pallavi, Advocate for

Ms.Mini Pushkarna, Standing Counsel for D-2

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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19.05.2015

1. Vide order dated 15.5.2015 passed by the learned Joint Registrar, the case was directed to be placed before the court with an observation that under an earlier order dated 10.4.2015, the present suit was restored, subject to costs of ₹5,000/- to be paid by the plaintiffs to the defendant No.1 through counsel within three weeks from the said date, but the costs had not been paid till date.

2. It is pertinent to note that the present suit was dismissed in default on 17.1.2011. Thereafter, the plaintiffs had filed an application for restoration of the suit(IA No.2739/2011) which was finally allowed vide order dated 10.4.2015, subject to payment of costs of ₹5,000/- to the defendant No.1 through counsel, within three weeks from the date

of the said order.

3. On 10.4.2015, counsel for the defendant No.1 had also stated that the plaintiffs had not complied with the order dated 15.7.2010, passed by the Joint Registrar whereunder, costs of ₹1,000/- were imposed which were to be deposited with the Delhi High Court Legal Services Committee. On 15.5.2015, proxy counsel for the plaintiff had appeared before the Joint Registrar and had submitted that the costs imposed vide order dated 15.7.2010 had been deposited. She was directed to file the receipt in the Registry. However, it was noted that the costs of ₹5,000/- imposed vide order dated 10.4.2015 were not paid to the other side. As a result, the case was directed to be placed before the court. Counsel for the defendant No.1 states that costs have not been paid till date.

4. On the first call, the case was passed over to await the presence of the counsel for the plaintiffs. It is 3.45PM now. Neither the plaintiffs, nor their counsel is present.

5. In view of the above, this court has no option but to dismiss the suit in default and for non-prosecution. Ordered accordingly.

MAY 19, 2015
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HIMA KOHLI, J