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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 2340/1997 & IAs No.4163/2004 (of defendant u/S 151 CPC),
5192/2013 (of defendant u/S 22 SICA) & 14733/2013 (of defendant
u/O 1 R-10 CPC)

RAVI PARKASH Plaintiff

Through: None.

versus

MODI RUBBER LTD. Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **04.10.2016**

1. None appears.
2. A perusal of the file shows (i) that this suit was filed for recovery of possession of property No.244-A, New Friends Colony, New Delhi and for recovery of arrears of rent and for future mesne profits; (ii) that the proceedings in the suit were on 10th February, 2005 adjourned *sine die* to enable the plaintiff to seek appropriate orders from the BIFR for proceedings with the suit and granting liberty to the plaintiff to apply for revival after such permission had been obtained; (iii) no application was filed for revival of this suit and the registry of its own listed the suit on 2nd September, 2011 when court notice was ordered to be issued to the parties/counsels; (iv) on 4th October, 2013, the suit was again ordered to be adjourned *sine die*

with liberty to the plaintiff to approach BIFR for appropriate orders;
(v) again no application for revival was filed and the registry of its own listed the suit on 27th August, 2015 when court notice was ordered to be issued.

3. The counsel for the plaintiff is reported to have been served.

4. None appears.

5. I may notice that the valuation of the suit for the purpose of court fee and jurisdiction is even otherwise below the minimum enhanced pecuniary jurisdiction of this Court and the suit in accordance with the Office Order dated 24th November, 2015 of Hon'ble the Chief Justice in exercise of powers under Section 4 of the Delhi High Court (Amendment) Act, 2015 is liable to be transferred to the subordinate courts.

6. Be that as it may, dismissed in default.

**OCTOBER 04, 2016
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RAJIV SAHAI ENDLAW, J