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

+ RFA(OS) 11/2016 with CM Nos.31897 & 31898 of 2016

PRANAY DUBEY & ANR.

..... Appellants

Represented by: None.

versus

MEENA KUMARI & ORS.

..... Respondents

Represented by: None.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **31.08.2016**

CM No.31897/2016

1. The appellants seem to be simply interested in prolonging the litigation.
2. The order impugned in the appeal declined further time to the appellants, who are plaintiffs, to lead evidence. The learned Single Judge has noted that after issues were settled, for over three years and nine months, in spite of as much as six opportunities granted, as plaintiffs, the appellants were not leading any evidence.
3. Taking a lenient view vide order dated May 25, 2016, the Division Bench, imposing cost in the sum of ₹50,000/- to be paid within eight weeks, afforded one opportunity to the appellants to lead evidence within the next three months.
4. Appellants filed CM No.30665/2016 praying that cost imposed may

be withdrawn. On August 29, 2016, the application was dismissed observing that the appellants may move an appropriate application before the learned Single Judge to extend time to deposit the cost.

5. CM No.31897/2016 has been filed praying that time be extended for the appellants to lead evidence.

6. In harmony with the ethos of the order dated August 29, 2016 we dispose of the application observing that it would be open to the appellants to seek extension of time before the learned Single Judge while seeking extension of time to deposit the cost; meaning thereby composite application could be moved by the appellants before the learned Single Judge to extend time to deposit the cost as also for leading evidence.

7. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

AUGUST 31, 2016

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