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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAC.APP. 376/2010 & CM No.11291/2010 (delay)
WAHID HUSSAIN Appellant
Through Mr. Jatinder Kamra, Adv.

versus

RAJESH & ETC Respondent
Through None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **10.02.2016**

The Registrar (Original) has returned the matter to the Court with his report dated 08.01.2016 stating, inter alia, that steps were not taken by the appellant for service of the second respondent even though several opportunities were given and none had appeared before him over the last three dates fixed. On being asked, the counsel the appellant regrets the default. He stated that inadvertently he could not appear. There is no explanation offered as to why steps were not taken in spite of directions beginning with order dated 08.09.2010. Thus, the appeal has remained pending for last over five years on account of failure on the part of the appellant to prosecute. The appeal is dismissed for non-prosecution as against respondent No.2. Since the respondent No.2 is a necessary party, the appeal is rendered defective and is consequently dismissed.

R.K.GAUBA, J

FEBRUARY 10, 2016

VLD