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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ I.P.A.No.4/2016 & IA No.4818/2016 (under Order XXXIX Rules 1 & 2 CPC).

BEENA

..... Petitioner

Through: Mr. Dhan Mohan, Adv. for Mr.
Kuldeep Singh Rana, Adv.

versus

BHAJAN PAL @ BAJJI & OTHERS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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09.11.2016

1. The plaintiff instituted this suit for partition of house no.9, Mochi Village, Nanakpura, Moti Bagh, New Delhi as an indigent person.
2. The suit came up before this court first on 21st April, 2016. It was observed in the order of that date that the plaint does not disclose cause of action and on the counsel for the plaintiff seeking time to amend the plaint, the matter was adjourned to 14th July, 2016 as requested by the counsel for the plaintiff.
3. On 14th July, 2016 the counsel for the plaintiff again sought two months time to comply with the order dated 21st April, 2016 and accordingly the suit was adjourned to yesterday i.e. 8th November, 2016.
4. Yesterday none appeared for the plaintiff; however in the interest of justice the matter was posted for today.

5. Today also the counsel for the plaintiff states to be Mr. Kuldeep Rana, Advocate does not appear and has sent a proxy counsel only to seek adjournment.
6. Needless to state, no application for amendment has been filed as yet.
7. Matters cannot be adjourned and kept pending like this on request when the plaintiff is not interested in pursuing the same.
8. The suit/IPA is dismissed for non-prosecution.
9. It is however clarified that the plaintiff shall be entitled to sue afresh but only after doing the needful as observed in the order dated 21st April, 2016 and by enclosing the orders dated 21st April, 2016 and today's order along with the paper book of the fresh suit/proceeding.

RAJIV SAHAI ENDLAW, J

NOVEMBER 09, 2016

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