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

+ **CS(OS) 726/2015**

VAKIL CHAND BINDAL

..... Plaintiff

Through: Mr. D.K. Yadav, Advocate

versus

SHIVAM BETELNUT(P) LTD

..... Defendant

Through: Mr. Ajay Sahni and Ankit Sahni,
Advocates

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
04.05.2016

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I.A. No.5489/2016

This application has been moved by learned counsel for the plaintiff for withdrawing from the matter. On 15.01.2016, the court had directed the plaintiff to place the entire sale invoices on record and also to take instructions from the plaintiff and verify with regard to the authenticity of the invoices relied upon by the plaintiff. On 09.02.2016, learned counsel for the plaintiff stated that he had made efforts to take instructions from the plaintiff with regard to the authenticity of the documents, but he has not received any instructions and that he would like to seek discharge in the matter.

Consequently, this court directed to communicate the order dated 15.01.2016 to the plaintiff and also observed that in case the said order is not complied with, the suit shall be liable to be dismissed for non prosecution.

Along with the application, the counsel has placed on record the communication sent to the plaintiff on 18.03.2016, the postal receipt is being placed on record. It, therefore, appears that despite being put to notice, the plaintiff has not complied with the order dated 15.01.2016. Accordingly, the application is allowed and the suit is dismissed for non prosecution. The defendant shall be entitled to costs quantified at Rs.25,000/-.

Since the plaintiff, prima facie, appears to have relied upon concocted and fabricated documents, it shall be open to the defendant to move an appropriate application under Section 340 Cr PC.

VIPIN SANGHI, J

MAY 04, 2016

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