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

+ **FAO(OS) 491/2015**

SAHARA PRIME CITY LTD

..... Appellant

Represented by: None

versus

OUTLOOK PUBLISHING INDIA (P) LTD

..... Respondent

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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27.01.2016

1. Present none for the parties.
2. A suit was filed on the original side of the Calcutta High Court. The appellants were aggrieved by articles published by the respondent in its magazine, and filed a suit for injunction, alleging that the contents of the publication were defamatory. Damages were claimed for the articles published. Injunction was prayed for to restrain the respondent from publishing further articles on the subject.
3. Filed in the year 2010, the learned Single Judge of the Calcutta High Court recorded a finding that prima facie the statements made by the respondent were apparently defamatory. In spite thereof, the learned Single Judge refused to grant any ad-interim relief.
4. Seized of the appeal, on August 27, 2010 while issuing notice of the appeal to the respondent the Division Bench granted an ad-interim injunction order as prayed for in terms of the prayer (b) of the appeal.

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5. The appeal was thereafter adjourned from time to time.
6. A transfer petition was filed before the Supreme Court for transfer of the suit and the instant appeal to this Court.
7. Proceedings in the transfer petition before the Supreme Court lasted till April 30, 2015, when the suit and the appeal were transferred to this Court.
8. The injunction granted by the Division Bench continued.
9. Non appearance by the counsel for the parties is obviously explainable.
10. What was conceived of a hot topic of public interest in the year 2010 has probably today seized to be of any interest.
11. The fate of the suit is not known to us.
12. We note that after the appeal was transferred to this Court whereas counsel appeared for the appellant only once; none appeared for the respondent.
13. Under the circumstances, noting that none appears for the parties today before us and none appeared even on October 05, 2015 nor on January 25, 2016 (on which date the Bench did not assemble), we dismiss the appeal for non-prosecution.
14. No cost.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

JANUARY 27, 2016

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