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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 3247/2015 & IA No. 22756/2015

RAKESH KUMAR JAIN

..... Plaintiff

Through: Mr. Nishant Singh, Advocate for
Mr. Jitender Kumar, Advocate.

versus

ARUN KUMAR TIWARI & ANR

..... Defendants

Through: Ms. Deepika V. Marwaha with
Mr. Gaurav Singh, Advocates for D-1.
Ms. Isha Khanna, Advocate for D-2.
SI Saurabh Pareskar, P.S. Vasant Kunj South

CORAM: JUSTICE S. MURALIDHAR

ORDER

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09.08.2016

1. At the outset Ms. Deepika V. Marwaha, learned counsel appearing for Defendant No. 1 points out that her appearance as well as of her associates in the previous order dated 25th July 2016 has wrongly been recorded for the Plaintiff. She along with her associates had in fact appeared for Defendant No. 1. None appeared for the Plaintiff.

2. When the matter was called out, a request was made on behalf of learned counsel for the Plaintiff by proxy counsel stating that he is in some personal difficulty.

3. Ms. Marwaha points out at the outset that the written statement was filed

way back on 2nd January 2016 raising preliminary objections. One objection is that the Plaintiff has claimed relief at Rs. 2,73,73,500 but the court fee has been paid only in the sum of Rs. 7 lakhs. The second objection is that the Plaintiff has filed the present suit on the basis of the forged documents. Learned counsel for Defendant No. 1 submits that despite opportunities granted in the matter on at least four dates after the filing of the written statement, the Plaintiff has neither filed a replication nor any original documents.

4. The above objections are serious enough to persuade the Court not to accede the request of the proxy counsel for learned counsel for the Plaintiff for further adjournment in the mater. It does appear that the Plaintiff is not serious in pursuing the suit.

5. The suit and the pending application are dismissed for non-prosecution.

S.MURALIDHAR, J

AUGUST 09, 2016

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