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

+ **CS(COMM) 257/2017 & IA 6538/2017 (u/S 45 of Arbitration Act)**
M/S HIMALYA INTERNATIONAL LTD & ORS..... Plaintiffs

Through : None.

versus

M/S. SIMPLOT INDIA FOODS PVT LTD & ORS..... Defendants

Through : Mr.Anil Sapra, Sr.Advocate with Ms.Madhu
Smita, Mr.Sumit Gupta & Mr.Ravi Singhania,
Advocates.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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30.08.2017

1. None is present on behalf of the plaintiffs despite several pass-overs.
2. Learned Senior Counsel for the defendants (except defendant No.6) is present since morning.
3. Order dated 26.05.2017 shows certain observations were made by this Court that the suit filed by the plaintiff appeared to be frivolous and was kept pending in this Court with oblique motives. Even costs ₹50,000/- imposed vide order dated 08.08.2017 have not been deposited.
4. Learned Senior Counsel for the defendants informs that the costs ₹50,000/- imposed vide order dated 26.05.2017 have not been paid by the plaintiffs.
5. It appears that the plaintiffs are not interested in the prosecution of the suit. It is dismissed in default and for non-prosecution.

AUGUST 30, 2017 / tr

S.P.GARG, J