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

+ **CRL.L.P. 82/2018**

**ASHOK KUMAR**

..... Petitioner

Through: Mr. Narender Vashisht, Advocate  
alongwith petitioner in person.

Versus

**BIRHAM DUTT & ORS**

..... Respondents

Through: Mr. Abhinav Tathagat and Mr.  
Amitabh Kashyap, Advocates for R-1  
& R-2.  
Mr. Hemant Singh, Advocate for R-3  
& R-4.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

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**13.09.2018**

This petition seeks leave to appeal against the order dated 13.12.2017. The Trial Court has noted that none appeared for the petitioner despite repeated calls, hence the case was dismissed in default. The learned counsel for the respondent draws the Court's attention to about ten orders from 06.11.2013 till the impugned order; in all the petitioner has appeared only thrice. This shows that he has consistently defaulted in appearance, whereas the respondent/accused being present on each date or otherwise represented by the counsel.

According to the learned counsel for the petitioner, the petitioner was ill on the date of the impugned order. However, no medical certificate has been annexed in support of his indisposition. The learned counsel for the petitioner states that he had reached the Court in the afternoon after the

impugned order was passed. This contention also is not supported by any affidavit. The petitioner lacks interest in pursuing the case for years is evident. The impugned order cannot be faulted.

In view of the above, the petition is dismissed.

**NAJMI WAZIRI, J**

**SEPTEMBER 13, 2018**

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