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

+ **CS(OS) 1526/2006 and I.A. Nos. 8624/2006 (for stay), 9246/2006
(under Order 39 Rule 4 CPC)**

TIRUPATI STRUCTURALS LIMITED Plaintiff
Through: None.

versus

HARI PIPE INDUSTRIES AND ORS. Defendants
Through: Mr. Sushant Singh and Mr. Ankit
Kaushal, Advocates.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
01.05.2018

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1. The suit is being listed for defendants' evidence before the Joint Registrar. Earlier the witnesses of the plaintiff were under cross-examination and part cross-examination was conducted on 15.9.2015 whereafter the matter was listed on 28.4.2016. On 28.4.2016, witnesses of the plaintiff were not present and therefore an adjournment was granted. Suit has thereafter been listed for recording of plaintiff's evidence on 30.11.2016, 21.2.2017, 16.8.2017 and 13.12.2017, and since plaintiff was not represented on these different dates evidence of the plaintiff was closed in terms of the order dated 13.12.2017 and the matter was listed for defendants' evidence on 13.2.2018. Vide order dated 13.2.2018, once again as plaintiff did not appear, the Joint Registrar has listed the matter in Court

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and today counsel for the defendants states that once plaintiff has not led evidence on issues of which onus is on the plaintiff, therefore, defendants do not have to lead any evidence.

2. In view of the fact that no one appears for the plaintiff even today, the suit is dismissed in default and for non-prosecution.

3. Let no application for restoration or recall of this order be entertained unless costs of Rs.30,000/- are first paid to counsel for the defendants and further costs of Rs.30,000/- are deposited with the website www.bharatkeveer.gov.in.

VALMIKI J. MEHTA, J

MAY 01, 2018

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