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

+ **FAO 522/2011**

SC BAWEJA

..... Appellant

Through: None.

versus

STATE & ORS

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **13.03.2018**

CM APPL. 7004/2016 (By Appellant u/o 22 r 3 CPC) & CM APPL. 7005/2016 (Delay of 158 days in re-filing)

On 13th October, 2017, the Court had noted that on previous dates i.e. on 14.9.2016, 16.01.2017 and 20.04.2017, the Court's time have been wasted since process fee had not been filed or have been returned under objections apropos the subject applications. The Court was of the view that the case was fit one to be dismissed for non-prosecution. However, in the interest of justice, subject to the deposit of Rs.10,000/- as costs within two weeks, further time was given to the applicant to serve the non-applicants. The Court had also noted that in default of deposit of costs or correct process fee, both – the applications and the appeal would be liable to be dismissed for non-

prosecution.

On 23.02.2018, the learned Joint Registrar noted that inspite of waiting up to 3:40 pm none appeared for the applicant nor had costs or process fee been deposited apropos the two applications in terms of the Court's previous orders, hence, the case has been listed before this Court.

It is 13:00 hours. None appears for the appellant/applicant.

In view of the aforesaid, the appeal and the applications are dismissed for non-prosecution.

NAJMI WAZIRI, J

MARCH 13, 2018/acm