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

+ CS(OS) 998/2015 & I.A.Nos.7511/2015, 13849/2015, 3458/2016,
1009/2018

ANURADHA GUPTA Plaintiff

Through Mr.Ankit Jain, Advocate.

versus

SHANTI GUPTA & ORS Defendants

Through Mr.Aditya Madan with Ms.Bharti
Badesra and Mr.Birender Bhatt,
Advocates for D-1 & 2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **20.02.2018**

I.A.No. _____/2018 (To be numbered by the Registry)

Mr.Ankit Jain, learned counsel for the plaintiff has today handed over the present application seeking discharge. Along with the present application, he has handed over the original envelope containing the notice for discharge. He states that the plaintiff has left her last known address and he does not have any other address of the plaintiff.

Learned counsel for defendant nos.1 & 2 has no objection to the present application being allowed. He points out that despite the order dated 15th September, 2017, defendant nos.3 and 5 have not been served till date.

Mr Jain states that due to lack of instructions, he has not been

able to file an application under Order V Rule 20 CPC.

Keeping in view the aforesaid facts, Mr.Ankit Jain is discharged from the present case.

Accordingly, the application stands allowed.

CS(OS) No.998/2015

Since the plaintiff is not available at her last known address, this Court is of the view that no purpose would be served by issuing a default notice upon the plaintiff at the address mentioned in the memo of parties.

Accordingly, the present suit is dismissed in default and on account of non-prosecution and the interim order dated 16th April, 2015 stands vacated.

MANMOHAN, J

**FEBRUARY 20, 2018
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