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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 1487/2013 & I.A. 15208/2017

M/S AJS BUILDERS PVT LTD & ANR Plaintiffs

Through Mr. Abhinav Agnihotri with
Mr. Vinay Dubey and Mr. Vivek
Dubey, Advocates

versus

HARVINDER SINGH

..... Defendant

Through Mr. H.S. Kohli, Advocate

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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20.04.2018

Today, Mr. Abhinav Agnihotri, Advocate appears on behalf of plaintiffs and prays for an adjournment to file his vakalatnama.

On 12th September, 2017, this Court had accepted the plaintiffs' explanation and adjourned the case, provided the plaintiffs paid cost of Rs. 1,00,000/- to Lok Nayak Hospital within four weeks. It is pertinent to mention that cost of Rs. 1,00,000/- had been imposed as though issues in the present suit had been framed on 4th February, 2015, yet the suit has not progressed thereafter.

Subsequent to the order dated 12th September, 2017 no steps have been taken by the plaintiffs.

In fact, the previous counsel for the plaintiffs was granted discharged vide order dated 21st February, 2018.

On 9th April, 2018, as there was no representation on behalf of the plaintiff, the Joint Registrar listed the matter before the Court. Today Mr.Agnihotri states that as one of the directors of the plaintiffs is in judicial custody, the plaintiffs could not take any step.

In the opinion of this Court, a company is a separate legal juristic entity distinct from its directors. Even if one of its directors is in judicial custody, its management and staff should be in a position to proceed with the suit. After all, a suit has not been filed for statistical reasons. In any event, three years is more than sufficient time for the plaintiffs company to have got its act together.

From the aforesaid, it is apparent that since 4th February, 2015 nothing has happened in the present suit and the entire delay is attributable to the plaintiffs. In fact, the cost imposed by this Court vide order dated 12th September, 2017 has also not been paid.

Keeping in view the aforesaid, the prayer for adjournment is declined and the present suit is dismissed on account of non-prosecution.

MANMOHAN, J

APRIL 20, 2018

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