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

+ RFA 552/2006

M/S SAWHNEY BROTHERS & ORS

..... Appellants

Through: None.

versus

DRESDNER BANK & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **12.02.2019**

1. This Regular First Appeal under Section 96 of the Code of Civil Procedure, 1908 (CPC) is filed by the plaintiffs in the suit impugning the judgment of the Trial Court dated 31.7.2006 limited to the extent of challenging the impugned judgment whereby the suit of the appellants/plaintiffs was dismissed against the respondent no.1/defendant no.1. The suit filed by the appellants was decreed against the defendants no. 2 to 4 in the suit.

2. In the present suit only the respondent no.1/defendant no.1 was

a necessary party and the respondent no.1 was being represented in this appeal.

3. When court notice was issued on 19.11.2018 to the counsel for the appellants, it was reported that the counsel has left the case. Thereafter for 10.1.2019 when notices were issued to the appellants at the stated addresses, it was reported that the four appellants were not available at the three different addresses at which notices were sent inasmuch as no such offices of the appellants existed at the stated addresses at Nizamuddin West, New Delhi.

4. Under Order 6 Rule 14-A(2) CPC, in case address of a party is changed, then such party must file the new address in this Court. The appellants have not filed in Court any new address and the addresses of the appellants are those as found in the suit and the records of the appeal.

5. In fact, there was no need for court notice being served upon the appellants once the matter is listed in the category of 'Regular Matters' because counsel for the parties have to take note of the hearing being fixed in the category of Regular Matters and the matter being called out in the category of Regular Matters.

6. This appeal is therefore dismissed in default and for non-

prosecution.

7. Let no application for recall/restoration of this order be entertained by the Registry unless costs of Rs.25,000/- are first deposited with the website www.bharatkeveer.gov.in.

VALMIKI J. MEHTA, J

FEBRUARY 12, 2019

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