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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 591/2016, IA No.14753/2016 (u/O XXXIX R-1&2 CPC) &
IA No.14755/2016 (for exemption from filing ad-valorem court fee)
KAMLA DEVI Plaintiff

Through: None.

Versus

ONKAR MAL RUSTAGI & ORS Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **29.01.2019**

1. None appears for either of the parties.
2. A perusal of the order sheet shows the counsel for the plaintiff to have appeared last before the Joint Registrar on 4th September, 2017. Thereafter on 23rd October, 2017, 19th September, 2018, 5th December, 2018 and 11th January, 2019, none has been appearing on behalf of the plaintiff before the Joint Registrar.
3. The suit was filed for declaration of share in immovable property and for permanent injunction restraining the defendants from dealing with the property.
4. The suit was entertained and summons thereof issued and vide *ex parte* order dated 29th November, 2016, the defendants restrained from dealing with the property.
5. Vide order dated 5th March, 2017, the parties were referred to Mediation Cell of this Court and mediation was reported to be pending till

25th May, 2017. However, the orders of thereafter do not show reference to the mediation if pending.

6. A perusal of the order dated 23rd October, 2017 shows the defendants no.1 to 4 to have again sought reference to mediation; however since the legal heirs of the defendant no.5 were still to be substituted, the same was not done.

7. Dismissed in default of appearance.

9. Needless to state the *ex parte* order dated 29th November, 2016 stands vacated.

RAJIV SAHAI ENDLAW, J

JANUARY 29, 2019

‘gsr’..