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

+ CS(COMM) 1630/2016, IA Nos.11765/2007(u/O.XXXIX R-1&2
CPC) & 14804/2007(u/O.XXXIX R-4 CPC)

AGA MEDICAL CORPORATION Plaintiff

Through: Mr. Aman Bhatnagar, Adv.

versus

GLOBE BIO-MEDICALS AND OTHERS Defendants

Through: Mr. M.Alam, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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28.02.2019

1. The suit is listed today in terms of order dated 6th February, 2019 of the Joint Registrar, upon the parties, in spite of repeated opportunities, not carrying out admission/denial of documents.
2. The suit is of 2007 vintage and issues even have not been framed in the suit as yet.
3. Today also, Mr. Aman Bhatnagar Advocate appearing for the plaintiff seeks adjournment stating that he has not been receiving instructions from the plaintiff in spite of having issued two letters dated 7th December, 2018 and 20th February, 2019 to the plaintiff.
4. It is quite obvious that the plaintiff is not interested in pursuing this suit, which as aforesaid has been languishing for twelve years, without any progress having been made therein.

5. It cannot be lost sight of that the suit is a commercial one and timelines wherein have to be followed. If the plaintiff itself is not keen to pursue, the Advocate once engaged should not be permitted to keep on flogging the suit.
6. The suit is dismissed for non-prosecution.

RAJIV SAHAI ENDLAW, J

FEBRUARY 28, 2019
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