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

+ **RFA 92/2008**

ASHOK KUNDU

.....Appellant

Through: None

versus

G.K. MALHOTRA

.....Respondent

Through: Appearance not given

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

25.11.2024

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1. None has appeared for the appellant despite the matters being called out on various dates i.e., 28.10.2024, 05.11.2024, 11.11.2024 and 18.11.2024.

2. The daily cause list published on the website of this Court clearly reflects a note for advocates and litigants that regular matters mentioned in the cause list shall be taken up after the supplementary and advance list is over. The physical display Board of this Court as well as the virtual display Board also clearly reflects that regular matters are being called and taken up for hearing. Listing of the matter in a cause list and its publication itself is enough requirement for the party to appear in person or through representative/counsel.



3. Despite of these proactive efforts by this Court, it is disheartening to see that for the matters listed in the regular list, neither the advocates nor the litigants are appearing before this Court.

4. Be that as it may, this is the fifth consecutive date when appellant had not appeared to pursue this case. The Court cannot be oblivious of the fact that due to these cases, wherein, no one appears to pursue the matter, sufficient judicial time and resources are utilized which can effectively and thoughtfully be used for the cases wherein pressing issues of indispensable importance are canvassed before this Court. Because of repeated listing of these cases the other cases are not being called out, causing significant prejudice to the litigants.

5. Therefore, since none appeared on behalf of the appellant, the instant appeal, along with the pending application(s), is dismissed for want of prosecution.

PURUSHAINDRA KUMAR KAURAV, J

NOVEMBER 25, 2024/tp