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

+ **CS(COMM) 1487/2016**

MANJARI SHARMA

.....Plaintiff

Through: **Ms. Raghavi Shukla, Advocate**

versus

APOCALYPSO FILMWORKS PRIVATE LIMITED & ORS

.....Defendants

Through: **Mr. D.N. Goburdhun, Sr. Advocate**
Mr. Raj Kumar, Advocate for D-1

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

28.08.2024

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1. Though it was specifically recorded vide the order dated 23.08.2019 that the plaintiff will “... ..*definitely appear in January 2020*”, however, the despite filing her affidavit in evidence on 21.01.2020, she appeared for her cross-examination only once on 22.01.2020. Since then though the matter has been listed on umpteen occasions till now, on as many as nine occasions, the plaintiff chose not to appear and she was unable to be cross examined.

2. Further, it was only as late as on 09.07.2024 that the learned counsel for the plaintiff submitted before the learned Joint Registrar that she was not receiving any instructions from the plaintiff.

3. Additionally, in the interregnum though the plaintiff was apprised about the demise of the defendant no.3 way back on 23.03.2023 during the



proceedings before the Joint Registrar on 10.04.2023, the plaintiff has not taken any steps for impleading the legal representatives of the said defendant no.3 till date. Accordingly, the present suit against the defendant no.3 is abetted.

4. Today, learned counsel for plaintiff seeks adjournment on the ground that the arguing counsel is stuck in Hon'ble Supreme Court and then after sometime she seeks one more opportunity to seek instructions from the plaintiff.

5. Seeing the overall conduct and the lapse on the part of the plaintiff, such a prayer after a lapse of almost five years since the evidence of the plaintiff was to commence, especially whence the learned counsel for plaintiff does not have any instructions, this Court is of the opinion that the plaintiff is not interested in proceeding with the present suit. Thus, there is no satisfactory good cause and/ or sufficient reason for this Court to continue with the present proceedings.

6. At this stage, learned counsel for the plaintiff submits that she has received a mail from the plaintiff on 23.08.2024, which, unfortunately has neither been disclosed nor filed till now.

7. Considering the aforesaid, the present suit is dismissed in default and for non prosecution.

SAURABH BANERJEE, J

AUGUST 28, 2024/So