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

+ CRL.M.C. 2563/2019 & CRL.M.A. 10264/2019

M/S MITTAL BUILDERS & ANR

.....Petitioners

Through: Mr. Shubhankar Jha, Advocate
(Through VC).

versus

STATE OF DELHI & ANR

.....Respondents

Through: Mr. Satish Kumar, APP for the State
along with SI Lalit Kumar.
Mr. Arvind Varma, Senior Advocate
with Mr. Rinku Garg, Mr. Kunal
Narang, Mr. Manik Rai Bhalla, Mr.
Prashant Dahiya, Mr. Jitender Singh,
Ms. Smridhi Sharma, Ms. Mahima
Chauhan, Advocates for R-2 along
with respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
21.02.2025

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1. Learned proxy counsel appearing on behalf of the petitioners prayed for an adjournment which is vehemently opposed by the learned senior counsel appearing on behalf of the respondent no. 2.
2. Learned senior counsel appearing on behalf of the respondent no.2 submitted that even on the last occasions i.e., 28th September, 2022, 9th March, 2023, 20th July, 2023, 11th September, 2023, 23rd July, 2024 and 24th October, 2024, learned counsel for the petitioners have sought adjournments. Learned senior counsel further submitted that it seems that



the petitioners do not wish to pursue this matter and prayed that the instant matter may be dismissed.

3. This Court has perused the order sheets, which are reproduced herein below for convenience :

ORDER

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28.09.2022

1. None has appeared on behalf of the petitioner.
2. The counsel for the respondent no.2 stated that because of the pendency of the present petition, the Trial Court is not proceeding with trial of the case after filing of the charge-sheet and supplementary charge-sheet.
3. List on 09.03.2023.
4. In the meantime, the Trial Court shall be at liberty to proceed with the trial of the case in pursuance of the charge-sheet and the supplementary charge-sheet.

ORDER

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09.03.2023

List on 20.07.2023.

ORDER

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20.07.2023

[Through Hybrid Mode]

1. None is appearing on behalf of the petitioners.
2. The petitioners are not appearing for the last 2-3 hearings. It appears that the petitioners are not interested in prosecution of the present petition.
3. The present petition along with pending applications, if any, stands dismissed in default for want of prosecution.



At this stage, Ms. Akshita Jain, counsel for the petitioners entered her appearance and stated that she could not appear on the first call.

Issue court notice to the respondent no. 2 as well as his counsel for appearance on 08.09.2023.

ORDER

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11.09.2023

[Through Hybrid Mode]

[In terms of notification No. 82/G-4/Genl.-I/DHC dated 01.09.2023, 8th September was declared holiday on account of G-20 Summit and the case is taken up today]

1. None is present on behalf of the petitioners when the case is called for hearing at about 01:15PM.
2. List on 23.11.2023.

ORDER

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23.07.2024

1. None appears for the petitioners.
2. In the interest of justice, adverse orders are deferred.
3. List on 24.10.2024.

ORDER

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24.10.2024

1. The learned counsel for the petitioner requests for an adjournment on the ground that he has been recently engaged to appear on behalf of the petitioner.
2. The request is not opposed.
3. List on 21.02.2025.



4. A perusal of the above said order sheets shows that on some dates of hearing, none appeared on behalf of the petitioners and on the other dates of hearing, the learned counsel for the petitioners took adjournment on one pretext or the other.

5. In view of the aforesaid, this Court has reached to the conclusion that since the passing of the order dated 28th September, 2022 no effective hearing has been taken place and today also an adjournment has been sought by the proxy counsel for the petitioner on the grounds of personal difficulty.

6. Taking into consideration the facts that the matter has been pending since the year 2019, no effective hearing has been taken place since 28th September, 2022 and only adjournments have been granted to the petitioners at their request, this Court is of the view that the petitioners do not wish to pursue this matter. Accordingly, the instant petition along with pending application(s) is dismissed for non-prosecution.

CHANDRA DHARI SINGH, J

FEBRUARY 21, 2025

Rk/ryp

[Click here to check corrigendum, if any](#)