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

+ **CS(COMM) 544/2017**

M/S BABE BUILDTECH PVT. LTD.

.....Plaintiff

Through: None.

versus

SH. SAMARJEET & ORS

.....Defendants

Through: Mr. Bharat Gupta, Mr. Varun Tyagi
and Mr. Vishesh Chauhan, Advocates for D-2 and
4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

17.04.2025

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1. This suit was filed by the Plaintiff seeking decree of specific performance of Agreement dated 03.03.2015 in respect of agricultural land as detailed in the plaint.

2. On 11.11.2024, the suit was listed before the learned Joint Registrar (Judicial). It was noted that Plaintiff had failed to comply with order dated 24.07.2024 as it had neither had paid cost of Rs. 7,000/- to Defendants No. 2 and 4, nor PW1 was present for deposition. By order dated 24.07.2024, last and final opportunity was granted to the Plaintiff for leading Plaintiff's evidence, however, the witness was not present even on 11.11.2024 and the learned Joint Registrar closed Plaintiff's evidence and re-notified the matter for Defendants' evidence on 17.03.2025 directing the Defendants to file evidence affidavits of their witnesses. On 17.03.2025, Defendants No. 2 and

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4 stated that they did not wish to lead evidence. Defendants No. 1 and 3 had been proceeded *ex parte* on 29.01.2019. In light of this development and considering that Plaintiff was unrepresented and its evidence stood closed, learned Joint Registrar placed the matter before this Court for directions.

3. Plaintiff has not been appearing in the matter since 24.07.2024. No steps were taken to pay the cost imposed by the Court and/or lead Plaintiff's evidence. Even today, none appears on behalf of the Plaintiff. In this light, Defendants No. 2 and 4 have stated that they do not wish to lead evidence. Defendants No. 1 and 3 were proceeded *ex parte* on 29.01.2019. It appears that the Plaintiff is not interested in prosecuting this suit and the same is dismissed for non-prosecution.

JYOTI SINGH, J

APRIL 17, 2025
S.Sharma/shivam

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