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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 62/2016, I.A. 2033/2016, I.A. 19519/2023

MADHU KHULLAR Plaintiff

Through: None.

versus

GHANSHYAM SETHI AND OTHERS Defendants

Through: Mr. Shiv Charan Garg and Mr. Imran
Khan, Advocates for defendant Nos. 1
to 3, 5 and 6.

Mr. Y.R. Sharma, Advocate for
defendant Nos. 4, 7 and 9 to 12.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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11.10.2023

1. Learned counsel for the defendants have referred to the earlier proceedings to stress upon the plaintiff's conduct in regularly remaining absent in the proceedings. Learned counsels further state that the case is at the stage of cross-examination of defendants' witness which has remained pending for plaintiff's absence. In this regard, learned counsels have referred to the order dated 02.12.2019 when DW1/Ghanshyam Sethi was examined-in-chief and his cross-examination was deferred for want of plaintiff's counsel. The plaintiff was subjected to costs however the aforesaid witness was not cross-examined eventually leading to passing of order dated 12.07.2023 whereby plaintiff's right to cross-examine DW-1 was closed.

2. A further perusal of the proceedings would show that on 14.02.2023,



this Court while noting the aforesaid facts directed for issuance of court notice to the plaintiff at the address mentioned in the memo of parties. On the next date of hearing, *Mr. Bhumit Solanki*, learned counsel entered appearance and on his request the matter was placed before the Joint Registrar for fixing the schedule of evidence. The matter came up before the Joint Registrar on 16.05.2023 when the aforementioned counsel sought time to file his *Vakalatnama*. The matter was accordingly renotified on 12.07.2023 however, neither any *Vakalatnama* was filed nor anyone appeared for the plaintiff.

3. Today, again plaintiff remains unrepresented. Considering the conduct of the plaintiff, the suit is dismissed in default for non-prosecution alongwith pending applications. Date already fixed before the Joint Registrar i.e. 16.11.2023 stands cancelled.

MANOJ KUMAR OHRI, J

OCTOBER 11, 2023

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