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Jawahar Lal Goyal Vs. Sanwal Dass Gupta

17.01.2019

Present: Sh. Amarjeet Rai, counsel for appellant.

None for respondent no.1, 3, 4 and 5.

Respondent no.2 and 7 were proceeded ex parte on 31.03.2018.

Respondent no. 6 was proceeded ex parte on 30.10.2017.

Summons issued to respondent no.3 received back unserved.

Summons issued to respondent no.4 has been served as per report of Ahlmad.

Summons issued to respondent no.1 not received back.

Summons issued to respondent no.5 received back with report that respondent no.5 has expired. Same is apprised to counsel for appellant.

Appellant has not taken dasti summons in compliance of last order.

Record reveals that this appeal was filed by appellant on 22.12.2015. Subsequently, no steps were taken by appellant for serving respondent as noted in ordersheets dated 16.02.2016, 19.04.2016, 18.07.2016, 28.09.2016, 16.11.2016, 17.01.2017, 27.07.2017, 06.02.2018, 31.03.2018, 26.05.2018 and 03.10.2018. On the said ordersheets necessary reports are written by Ahlmad.

Record further reveals that on 22.12.2015, 19.04.2016, 18.07.2016 and 28.09.2016, proxy counsel for appellant had appeared.

Record further revealed that on 16.11.2016, 27.07.2017 and 03.10.2018, nobody appeared on behalf of appellant. The net result is that on various occasions steps were not taken by appellant and on various occasions proxy counsel for appellant had appeared. Further record revealed that on various occasions nobody appeared in this case on behalf of appellant. It is clear that appellant has filed this appeal simply to engage respondents and nothing else. These observations will be considered while deciding present appeal.

For not taking dasti summons in compliance of last order, appellant is burdened with cost of Rs.5,000/- (Rupees Five Thousand only) payable in DLSA. Subject to deposition of said cost, fresh summons be issued to respondent no.1 and 3 to be taken dasti by appellant within a week from now. Failure on the part of appellant to comply this order will lead to dismissal of this appeal on the ground of non prosecution.

Matter adjourned and be listed on 29.01.2019.

(Prashant Sharma)
SCJ-cum-RC: Central District:
Delhi: 17.01.2019