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

+ CS(OS) 1182/2012 & IA No.7866/2012

NAVEEN CHAND LAL CHAND BHATIA ..... Plaintiff  
Through : Mr. J.S. Kohli, Advocate  
versus

KHUSHBU NAVEEN CHAND BHATIA & ANR ..... Defendants  
Through : None.

**CORAM:**  
**HON'BLE MS. JUSTICE HIMA KOHLI**

**ORDER**  
**% 30.06.2015**

1. The plaintiff has instituted the present suit for partition and permanent injunction against his son and daughter in respect of an immovable property situated in New Rajinder Nagar, New Delhi.
2. A perusal of the order sheets reveals that though the defendants were duly served with the summons in the suit, they have not filed their written statements. On 17.9.2014, the plaintiff was directed to file the list of witnesses along with the affidavit by way of evidence. However, the plaintiff did not make any compliances.
3. Vide order dated 23.12.2014 passed by the learned Joint Registrar, costs of ₹3,000/- was imposed on the plaintiff and one more opportunity was granted to file the affidavit by way of evidence. Despite the said order, the plaintiff did not take any steps. On 9.4.2015, none had appeared for the plaintiff and as a result, the suit

was directed to be placed before the Court.

4. Today, learned counsel for the plaintiff states that his client has stopped contacting him for a long while and as a result, a notice of discharge dated 23.6.2015 was issued to the plaintiff through speed post and courier. A copy of the aforesaid notice dated 23.6.2015 along with proof of dispatch by courier and speed post is handed over by the counsel for the plaintiff and is taken on record.

5. It appears that the plaintiff is not interested in prosecuting the present suit, which is accordingly dismissed in default and for non-prosecution, along with the pending application.

6. The interim order dated 30.6.2012 stands vacated.

File be consigned to Record Room.

**JUNE 30, 2015**

sk/ap

**HIMA KOHLI, J**