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

+ **CS(OS) 2822/2011**

**SONIA BAWA SIPRA** ..... Plaintiff

Through: Mr. Ram Srivastava, proxy counsel

versus

**BOBBY BAHL** ..... Defendant

Through: Ms. Ripu Adlakha, Advocate

**CORAM: HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

% **10.09.2015**

The learned counsel for the defendant would submit that the plaintiff has been changing her counsel every now and then and has not been contesting the matter for the last few dates.

On 9<sup>th</sup> January, 2015, the following order was passed:

*“Mr. A.K. Vashishtha, learned counsel for plaintiff prays for an adjournment on the ground that the previous counsel for plaintiff has not handed over the entire paper book to him.*

*Ms. Ripu Adlakha, learned counsel for defendant states that the plaintiff is repeatedly changing her counsel to take adjournments.*

*A perusal of the order sheets reveal that the plaintiff has perfected the art of taking adjournment on every date of hearing on the ground that a new counsel has been engaged. In fact, the suit has not progressed after 21st March, 2013.*

*Consequently, let the plaintiff appear in person in Court on the next date of hearing.*

*List on 23rd April, 2015.*

*This is a digitally signed order.*

*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*

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*It is made clear that if the matter is not argued by the plaintiff on the next date of hearing, the suit would be dismissed on the ground of non-prosecution.”*

On the next date of hearing, i.e., 23<sup>rd</sup> April, 2015, the following order was passed:

*“At the request of learned counsel for plaintiff, adjourned to 24th April, 2015. It is made clear that no request for adjournment would be entertained on the date fixed.”*

Subsequently, the chamber appeal filed by the plaintiff was dismissed as withdrawn.

Today, the case is listed for framing of issues. The proxy counsel for the plaintiffs submits that the arguing counsel, Mr. A.K. Vashisht, is unable to come to this Court. In the forenoon session, the proxy counsel was asked to intimate the reason for Mr. Vashisht's inability to assist the Court and to inform the learned counsel that the case to be taken up in the post-lunch session. Even now, at 1605 hours, the arguing counsel is not available and no reason is given for his non-appearance.

At this stage, Ms. Adlakha submits that the suit cannot proceed because the plaintiff has filed a succession certificate in which she has undertaken that she would withdraw the suit. Ms. Adlakha states that she will file the requisite documents through an affidavit. Let her do so within one week.

List on 11<sup>th</sup> September, 2015.

**NAJMI WAZIRI, J**

**SEPTEMBER 10, 2015/tp**

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