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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2799/2014**
BCL SECURE PREMISES Plaintiff
Through Mr. Ankit Chaturvedi, Adv.

Versus

OM SAI ASSOTECH PVT LTD Defendant
Through Mr. Murari Kumar, Adv.

CORAM:
ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER

% **17.11.2016**

IA No.10098/2015 under Order XXXIII CPC moved on behalf of defendant/counter claimant

Learned counsel for defendant/counter claimant has stated at bar that previous cost of Rs.5000/- has already been paid. Learned counsel for plaintiff needs time to verify the said fact.

Pursuant to notice issued to SDM concerned to file financial status report of defendant/counter claimant, report dated 11.11.2016 of SDM Preet Vihar, District East Delhi and report dated 17.11.2016 of Tehsildar (Executive Magistrate) Patel Nagar were received. In the report dated 11.11.2016, it is mentioned that said firm does not exist at F-13, 2nd Floor, Vijay Chowk, Laxmi Nagar, Delhi-110092 and in the report dated 17.11.2016 of Tehsildar (Executive Magistrate) Patel Nagar, it is mentioned that the given address of the premises property bearing no.22/30, 3rd Floor, West Patel Nagar, New Delhi was found locked.

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On last date of hearing also similar report dated 21.04.2016 of Tehsildar, Patel Nagar was received, wherein it was mentioned that the said premises was found locked and learned counsel for defendant had undertaken that needful shall be done in this regard and that defendant/counter claimant shall approach the concerned SDM and assist him in preparing financial status report qua him.

Learned counsel for defendant/counter claimant has stated that defendant/counter claimant has shifted to D-175, Sector 151, Noida in September, 2016. He has further submitted that an application mentioning the change of address of defendant/counter claimant was filed vide diary no.293098 dated 15.11.2016.

From the conduct of the defendant/counter claimant it is very much clear that defendant is indulging in delay tactics. Hence cost of Rs.25000/- is imposed upon defendant/counter claimant to be paid to the plaintiff for causing delay.

Learned counsel for defendant/counter claimant shall file fresh correct address of defendant within three days. Thereafter issue notice to SDM concerned of said area to file financial status report of the defendant/counter claimant.

Defendant/counter claimant has not filed any affidavit of evidence in enquiry inspite of grant of six weeks time vide order dated 22.04.2016. Hence further cost of Rs.10000/- is imposed upon the defendant to be deposited with Delhi High Court Legal Services Committee for causing delay. Last opportunity is granted to defendant

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to file affidavit by way of evidence in enquiry in the captioned IA within six weeks with advance copy thereof be supplied to the opposite side.

Re-notify the matter for further proceedings on 27.02.2017.

ASHUTOSH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

NOVEMBER 17, 2016/ab