

# Braham Prakash & Ors vs Dev Dutt (Now Deceased) & Ors on 4 September, 2023

**Author: Anup Jairam Bhambhani**

**Bench: Anup Jairam Bhambhani**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9047/2019 & CM APPL. 45435/2023,  
45436/2023, CM APPL. 48171/2022, CM APPL.

BRAHAM PRAKASH & ORS

DEV DUTT (NOW DECEASED) & ORS

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHAN  
ORDER

% 04.09.2023 The present writ petition was dismissed for want of prosecution vide order dated 17.01.2022.

2. By C.M. APPL. No.48171/2022, the petitioners filed for restoration of the writ petition.

3. By CM APPL. No.48172/2022, the petitioners filed for condonation of about 246 days of delay in filing the restoration application.

4. By CM APPL.45436/2023, the petitioners filed a second application seeking condonation of about 246 days of delay in filing the 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. The Order is downloaded from the DHC Server on 16/09/2023 at 16:17:19 restoration application. This application was filed in compliance of order dated 18.11.2022, whereby the court had directed the petitioners to file a condonation application with better particulars.

5. CM APPL. 45435/2023 was lying under Registry objections and has now been placed before this court.

6. By CM APPL.45436/2023, the petitioners have sought condonation of about 241 days of delay in re-filing CM APPL.45435/2023.

7. The order sheet shows that having appeared on behalf of the petitioners on 16.03.2020, no one represented the petitioners on 10.11.2021 and 17.01.2022, on which (latter) date the petition was accordingly dismissed for non-prosecution.

8. Considering the evident lack of diligence and casual approach with which the petitioners have prosecuted the present matter, before considering the aforesaid applications, and to test their bona-fides, the petitioners are directed to deposit with the Registrar General of this court Rs. 25,000/- per application towards costs that may come to be imposed when the applications are considered.

9. The Registrar General is directed to retain the amount deposited in an interest bearing fixed deposit account in a nationalised bank, initially for a period of 06 months, to be renewed for a like term thereafter from time-to-time, without awaiting further instructions in the matter, till the pendency of the present applications.

10. Let costs be deposited within 04 weeks. Let proof of payment of costs be placed on record, before the next date.

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11. The court will consider issuance of notice on these applications only subject to deposit of costs.

12. Re-notify on 06th October 2023.

ANUP JAIRAM BHAMBHANI, J SEPTEMBER 4, 2023 ds/ak This is a digitally signed order.

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