

**In The Court of Virender Kumar Goyal
Additional District Judge-01 (East)
Karkardooma Courts, Delhi**

S No.471/16/13 (Old S.No.148/15/13)

In the matter of :-

Smt. Suchin Rana

.....Plaintiff

Versus

Smt. Sudha Singh

.....Defendant

ORDER

21.01.2016

1. Vide this order I shall dispose of an application U/s 151 CPC, filed by the defendant for waiving of the cost.
2. Brief facts of the case are that the plaintiff has filed the present suit for possession and injunction against the defendant.
3. It is averred in the application under consideration that vide order dated 01.09.2015 the court had imposed cost of Rs.6000/- upon the defendant for the want of non examination of the witnesses. Three witnesses were present and were to be examined by the counsel for the defendant, who had not appeared before the court on 20.10.2015, as the court was pleased to close the opportunity of cross examination of these three witnesses on behalf of the defendant. After imposition of cost of Rs.6000/- vide order dated 01.09.2015, defendant had paid Rs.2000/- to the plaintiff on 20.10.2015. Defendant is helpless, being widow lady and is unable to bear the cost and prayed for waiving of the cost.
4. Reply to the said application has not been filed on behalf of

the plaintiff.

5. I have heard the ld. counsels for the parties and perused the record.
6. According to the order dated 01.09.2015, three witnesses were examined on behalf of the plaintiff. But, these witnesses could not be cross examined, as ld. Counsel for the defendant was not available. Adjournment was opposed as PW1 had come from Mayur Vihar after taking leave from School and PW3 had come after taking leave from his duty, so, under such circumstances, cost of Rs.2000/- each was imposed, out of which, part cost of Rs.2000/- was paid to the plaintiff on 20.10.2015. It is prayed that rest of the cost be waived. The application has been moved by the defendant wherein she has alleged that she is a widow lady and unable to give the cost which has been imposed by the court and also part cost has been paid, hence, remaining cost be waived.
7. Considering the facts and circumstances, Rs.2000/- out of remaining cost of Rs.4000/- is waived. Remaining cost of Rs.2000/- be paid on the next date. Application stands disposed off.

Announced in the open
Court on 21.01.2016

(Virender Kumar Goyal)
Additional District Judge-01
(East)/KKD/Delhi / 21.01.16