

CS No. 3097/16

28.03.2018

Present:- Sh. RB Singh, Ld. Counsel for plaintiff

Defendant with Ld. Counsel Raj Kumar Santoshi.

An application has been filed by the Ld. Counsel for plaintiff for waiver of cost on the ground that he was held up on the Hon'ble High Court on the last date. It has already been observed by this court that the date was given with the consent of the Ld. Counsel and therefore, it was obligatory on his part to appear before this court. In any case, the cost is not waived of but is reduced to Rs. 500/-. Cost paid.

After hearing arguments on the application under Order 7 Rule 11 CPC of the defendant this court is of the view that the said application cannot be decided simplicitor on the pleadings. Ld. Counsel for defendant has raised the issue of limitation submitting that the present suit is barred by limitation, however, in my opinion this issue cannot be decided without trial and an opportunity has to be given to the plaintiff to prove his case as well as to show that the suit is within limitation. In view thereof, the application of the defendant is kept in abeyance till the issues are framed in the present matter. In view thereof, matter be listed for admission denial of documents and framing of issues on 29.05.2018.

Parties to remain present in person along with original documents on the date fixed.

(Sanjay Sharma-I)
Addl. District Judge-02(East)
Karkardooma Courts- 28.03.2018