

CS626/22
BHAGWAN DASS Vs. BABU LAL

28.11.2024

Present: Sh. Karan Bhamri Ld. Counsel for plaintiff through VC.
Sh. Hemant Mishra and Sh. Sadiq Ali Ld. Counsel for
defendant no.1 & 2.
Ms. Vidhi Gupta Ld. Counsel for DDA through VC.
Sh. Shiv Dutt Kaushik Ld. Counsel for DUSIB.
Sh. Mahesh Chand Ld. Counsel for D-4 through VC.
Sh. Uma Kant Mishra Ld. Counsel for MCD through VC.

An application u/s 151 CPC for waiver of cost filed on
behalf of defendant no.1 & 2.

It is stated in the application that on 03.09.2024 a cost of Rs.10,000/- each on defendant no.1 & 2 was imposed for their non appearance as well as their counsels. It is stated that counsel for the defendant had to appear to various hospitals on many dates from 11.07.2023 to 16.02.2024 due to critical conditions of family member hence he was unable to appear court personally for almost 7 months and failed to apprise the defendant about the dates and on 25.09.2023 defendant was proceeded exparte. Defendant no.1 & 2 filed the application u/o 9 Rule 7 CPC explaining the truth for non appearance for more than 7 months. Plaintiff moved several applications for modification of plaint during the absence of the applicant and the dates were misused since long, the issues are still to be framed. It is further stated that defendants are from middle class background and the cost of

Rs.10,000/- is beyond their capacity. Thus, it is prayed that since the present application is a bonafide one, this Court may kindly waive off the cost imposed on 03.09.2024 and allow the defendants to file their written statement.

The Ld. Counsel for plaintiffs straightaway argued the application and prayed for dismissal of present application.

Heard. Perused.

In view of above circumstances and considering the fact that there was personal exigency of Ld. Counsel for defendants no.1 & 2 and that the defendant no.1 & 2 are not able to pay the cost. Moreso, issues are yet to be framed in the matter, this Court is pleased to waive off the cost imposed upon defendant no.1 & 2 on 03.09.2024 in the interest of justice.

Put up for completion of pleadings, admission-denial of documents and framing of issues on 27.01.2025.

(Pooja Jain)
District Judge-03/NB
East/KKD Courts/Delhi
28.11.2024