

20.10.2016

Present: Plaintiff with Ms. Amrita Sharma, Advocate.

Ms. Pushp Gupta, Advocate for defendant no. 2.

Sh. Vaibhav Jai Raj, Proxy counsel for defendant no. 1.

The order dated 05.09.2016 was challenged by the plaintiff in the High Court and in view of the High Court order dated 26.09.2016, amended plaint was filed by the plaintiff on 04.10.2016. Copies already given to the defendants who want to file the amended written statements.

Counsel for defendant no. 2 stated that her application under Order 7 Rule 11 (b) CPC dated 16.03.2016 has become infructuous in view of the High Court order so the same is allowed to be withdrawn.

Plaintiff wants to move an application for waiving of cost Rs. 20,000/- which was imposed vide order dated 05.09.2016 payable to both the defendants. Counsels for the defendants stated that they do not want this cost and it can be deposited in Legal Aid Cell. However the oral request of the counsel for the plaintiff for waiver of the entire cost is declined because she is ready to deposit the reduced cost as directed by the Court. Let the cost of Rs. 10,000/- be deposited in lawyer's welfare fund and receipt be shown on next date. The balance cost of Rs. 10,000/- is waived.

Now, only two applications are left to be decided, one under Order 7 Rule 14 (3) CPC filed by defendant no. 1 on 24.02.2016 for not taking the document of the plaintiff on record and another application of the plaintiff under Order 7 Rule 14 CPC for taking the documents on record. The reply of these applications if is not filed can be filed by the parties and put up this matter on 16.11.2016 for arguments on the same. The amended written statement of the defendants is also awaited for next date.

(ASHWANI KUMAR SARPAL)

Addl. Distt Judge(NE)-01

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