

CS DJ 58552/16

GURMEET SINGH Vs. SURJEET KAUR

25.05.2022

Present: Ld. Counsel for LR's of plaintiff.

Ld. Proxy counsel for the counsel for the defendant along with defendant.

Defendant was supposed to file reply to the application u/o XXII rule 3 CPC for which defendant was given opportunity on the LDOH subject to payment of cost of Rs. 5,000/-. Proxy counsel for the defendant submits that defendant has no objection to the allowing of the said application u/o XXII rule 3 CPC.

Conduct of the defendant is reprehensible as the same could have been done even on the LDOH but once cost was imposed then defendant has come up with the plea that said application may be allowed.

In any case, since defendant has not filed reply to the said application, therefore, cost imposed on LDOH will not be apply, however, keeping in mind the conduct of the defendant, defendant is burdened with the cost of Rs. 3,000/-, particularly, in view of the fact that application u/o XXII rule 3 CPC is pending since 2019 for reply of the defendant.

In view of the no objection given by the defendant and keeping in mind that right to sue survives in favour of LR's of plaintiff and against the defendant, application u/o XXII rule 3 CPC is allowed. Plaintiff shall file amended memo of parties on or before the NDOH.

Put up for defendant evidence on **03.08.2022**.

(Harish Kumar)
ADJ-02/ North/ Rohini Court
Delhi/25.05.2022