

CS DJ 129/19

PHOOL CHAND AND ORS. (COUNTER CLAIMANT) Vs.
KISHAN CHAND AND ANR.

14.07.2023.

Present: Sh. Sahil Goyal, Ld. counsel for counter claimants
along with all counter-claimants in person.
Ms. Rashmi Jain, Ld. counsel for respondent.

Heard. Perused.

Application for waiving of cost filed on behalf of
defendant no.1.

It is stated that vide order dt.18.03.2023, the
application u/o VII Rule 11 CPC of defendant was dismissed
with cost of Rs.5,000/-. It is further stated that D-1 is the sole
bread earner of the family and is currently working as broker/
commission agent in rice market in Naya Bazar and prayed that
cost imposed may kindly be waived of.

Strongly opposed by Ld. Counsel for plaintiff stating
that D-1 has sufficient means to pay the cost as it is evident from
the fact that D-1 has engaged a private counsel to defend the suit
as well as counter-claim has been filed and not approached to
legal aid counsel. It is further argued that if defendant is
supposed to be poor person, then a counter-claim must be filed as
an indigent person and he must approached a legal aid counsel. It
is further stated that no income certificate is attached with the
application in support of his contention.

After considering the submissions and perusal of
application, I find that the aforesaid application is devoid of
merits and liable to be dismissed and disposed of.

Accordingly, the aforesaid application stands
dismissed. Cost be paid on the NDOH.

Application u/o XI Rule 14 r/w section 151 CPC
filed on behalf of counter-claimant no.1. Copy supplied.

Let reply to aforesaid application be filed on or
before NDOH with advance copy to the opposite party.

Put up for reply/argument on aforesaid application
as well as for PE on 03.08.2023.

(Surender Mohit Singh)
ADJ-04, North, Rohini Courts,
Delhi/14.07.2023.