

PINKI SHARMA Vs. ATUL TYAGI AND ORS.

25.04.2023

Present: Sh. Pritam Singh, Ld. Counsel for the plaintiff.

Sh. Ram Bhadoria, Ld. Counsel for the defendants No.1 & 2.

Sh. Prateek Gandotra, Ld. Proxy counsel for the defendant No.3 who has filed on record written statement alongwith an application for waiver of the costs. The defendants No.1 & 2 have also filed on record an application for waiver of the costs. Copies thereof stands supplied to the opposite party.

I have gone through the applications for waiver of the costs filed by the defendants No.1 & 2 and the defendant No.3.

It has to be seen that vide orders dated 21.01.2023, costs of Rs.5,000/- were imposed upon the defendants No.1 & 2 while allowing the application of the defendants no.1 & 2 u/o VIII Rule 1 of the CPC.

Since, the written statement was not filed on record by the defendant No.3 upto 21.01.2023 despite the service on 02.11.2022, costs of Rs.2,500/- were imposed upon the defendant No.3. The defendant No.3 was granted 15 days time to file the written statement from the last ordresheet dated 21.01.2023. Even the time limit, which has been granted vide orders dated 21.01.2023, has not been complied with by the defendant No.3. WS has been filed on record as on date only by the defendant no.3.

In these circumstances, I have no hesitation to hold that the applications for waiver of the costs are absolutely devoid of any merits and both the applications filed on behalf of the defendants No.1 & 2 and

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the other filed by the defendant No.3, are dismissed.

The defendants No.1 & 2 and the defendant No.3 as well are granted seven days time to pay the abovesaid costs to the plaintiff.

The plaintiff may file the replication on or before the next date with advance copy thereof to the opposite party.

The present matter shall be taken up for admission/denial of the documents and for framing of the issues on **17.08.2023**.

(Raj Kumar)
ADJ-02/ North/ Rohini Court
Delhi/25.04.2023