

C.S. DJ NO. 710/17

SANJAY LOHIA VS. MANOJ LOHIA AND ORS.

16.08.2022

Present: Ms. Anisha Aggarwal, Ld. Proxy counsel for the plaintiff
alongwith plaintiff.

Sh. Tarachand, Ld. counsel for all the defendant
alongwith defendant no.2 in person.

An application for waiver of cost imposed vide order dated
26.03.2022 has been filed by the plaintiff.

Today matter is listed for plaintiff evidence. No witness is
present nor is affidavit ready. Proxy counsel for the plaintiff
submits that she has supplied the copy of the affidavit to the
opposite party and was under the impression that affidavit has
already been filed on record. No such affidavit was ever filed.

In these circumstances, even today plaintiff evidence
cannot be led. Hence there is no ground to waive off the cost
imposed on the LDOH for failure of the plaintiff to lead
plaintiff's evidence. Application for waiver of the cost dismissed.
No cost is imposed today for plaintiff's failure to lead evidence.
Another opportunity granted as last and final opportunity.

Put up for PE on 19.01.2023.

Advance copy of the plaintiff's affidavit be supplied to the defendant atleast 15 days prior to the NDOH.

(HARISH KUMAR)
ADJ-02:NORTH:ROHINI:DELHI:
16.08.2022