

Rahul Garg Vs. Wasim Ahmad & Ors.
CS no. 575804/16

24-09-2018

Present: Sh. Kailash Sharma, advocate for plaintiff
Sh. Z. A. Khan, advocate for D-1
Sh. Noor Islam, advocate for D-2 and 3

An application for waiver of cost is moved on behalf of D-2 and 3. Copy supplied.

Submissions on the application heard. Record perused. On 13-08-2018, arguments were heard on behalf of plaintiff on the application u/o 6 Rule 17 CPC and adjournment was prayed on behalf of D-2 and 3 as their counsel was not available. The adjournment was allowed and matter was adjourned for 20-08-2018 on which date again counsel for D-2 and 3 was not available and matter was adjourned subject to cost. As per Order 17 Rule 2 CPC if the matter is adjourned then court has to make such orders as to cost occasioned by the adjournment and in the present matter considering the non-appearance of the counsel beyond the control of the party, further opportunity was provided to the defendants and cost was imposed, as such indulgence of the court is not required for waiving of the cost. The application is dismissed.

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Arguments on the application u/o 6 Rule 17 CPC of plaintiff heard. Record perused.

Put up for payment of cost and consideration on 08-10-2018.

(SUNIL CHAUDHARY)
ADJ-03 (N/W) ROHINI COURTS
DELHI: 24-09-2018