

CS No. 11768/16

Hari Kant Tripathi Vs Dharmender Singh & Anr.

19.09.2017

Present: Sh. Rahul Tripathi, counsel for plaintiff with plaintiff.
Sh. Naveen Kumar, counsel for defendant no. 01 with defendant no. 01.
Sh. Sanjeet Kumar, counsel for defendant no. 02 with defendant no. 02.

Fresh vakalatnama filed on behalf of plaintiff. Same be taken on record.

An application u/s 151 CPC for waiver of cost has been filed by plaintiff. Respective counsels for defendants have submitted that they do not wish to file any reply to the application and are ready for arguments straight away.

Arguments on application heard.

Logic of imposing cost of Rs. 5000/- upon plaintiff while allowing application of plaintiff under Order 6 Rule 17 CPC which was necessitated on account of plaintiff losing possession of suit property in order dated 05.03.2016 is not clear. I am of the view that application of plaintiff in these circumstances deserve to be allowed and is accordingly allowed. Cost of Rs. 5000/- imposed upon plaintiff vide order dated 05.03.2016 is waived off.

Counsel for defendant no. 01 has submitted that defendant no. 01 does not wish to file any amended WS to amended plaint filed by plaintiff and is opting for earlier WS filed on record. Counsel for defendant no. 02 has submitted that defendant no. 02 has already filed amended WS to amended plaint of plaintiff. Counsel for plaintiff has submitted that

replication to amended WS of defendant no. 02 has already been filed by plaintiff. Counsel for plaintiff has submitted that plaintiff shall file replication to WS of defendant no. 01 on next date of hearing. He has submitted that along with amended plaint, plaintiff has filed fresh application under Order 39 Rules 1 and 2 CPC which is yet to be disposed of. Respective counsels for defendants have submitted that they have not received copy of any fresh application under Order 39 Rules 1 and 2 CPC. Counsel for plaintiff has submitted that plaintiff shall supply the same to counsels for defendants within 10 days from today. Heard.

Be put up for filing of replication, if any to WS of defendant no. 01 and reply and arguments on application of plaintiff under Order 39 Rules 1 and 2 CPC for **09.01.2018**.

(Sonu Agnihotri)
ADJ-02/SE/Saket/New Delhi
19.09.2017