

IN THE COURT OF MS. NEELOFER ABIDA PERVEEN,
ADDITIONAL DISTRICT JUDGE-04, SOUTH-EAST, SAKET
COURTS, NEW DELHI

Old No. 524/16

Case no.20238/16

Ashutosh Jana V/s Dharmender Singh

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09.08.2016

Present: Plaintiff in person.

Sh. P.K. Aggarwal, Ld. Counsel for defendant

no. 1 along with defendant no. 1.

Defendant no. 2 in person.

The defendant no. 2 was proceeded against ex-parte vide order dated 11.12.2014 and the application u/o 9 rule 7 was allowed vide order dated 26.05.2016 subject to cost of Rs. 1500/- to be paid to the plaintiff. An application was filed for waiving of the cost by defendant no. 2 on 14.07.2016 which was dismissed as withdrawn.

The defendant no. 2 seeks leave to file WS however cost has not been paid by defendant no. 2 as directed vide order dated 26.05.2016. The WS therefore cannot be taken on record until the cost imposed on 26.05.2016 is paid.

Ld. Counsel for the plaintiff submits that the defence of the defendant ought to be struck off if cost not paid today.

Put up at **12.00 noon.**

(NEELOFER ABIDA PERVEEN)
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At 12.00 noon

Present: Sh. Manish Kapur, Ld. Counsel for the Plaintiff along
with plaintiff in person.

Sh. P.K. Aggarwal, Ld. Counsel for defendant
no. 1 along with defendant no. 1.

Defendant no. 2 in person.

The order setting aside the ex-parte was passed on
26.05.2016. The application for waiving of cost was dismissed as
withdrawn on 14.07.2016. Today again a request has been made
for grant of some more time for deposit of costs. One last
opportunity is granted subject to further cost of Rs. 500/-.

The WS cannot be taken on record unless the cost is
deposited.

Put up on **31.08.2016** for deposit of cost, filing of
WS and further proceedings

(NEELOFER ABIDA PERVEEN)
ADJ-04/SE/Saket/ND/09.08.2016