

04.09.2024

Present : Sh. Ashish Passi Ld. Counsel for plaintiff.
Ms. Anuradha Kaushik ld.counsel for defendant
through VC.

Today, matter is listed for reply and arguments on application u/s 151 CPC filed on behalf of defendant for waiving of cost imposed vide order dated 01.03.2024.

During the course of hearing, Ld. Counsel for plaintiff submitted that he does not wish to file any reply to the aforesaid application and would argue the application straightway. Heard. In view of the above submissions, right to file any reply to the application u/s 151 CPC on behalf of plaintiff is hereby closed.

Ld. Counsel for defendant submitted that the amount of cost of Rs. 25000/- imposed upon defendant vide order dated 01.03.2024 is very huge for the defendant to pay as the financial condition of the defendant is not so good. She further stated that defendant is sole earner of family and doing normal private job and has responsibility of two school going children study, wife's medical expenses, and other loan EMI's etc.

On the other hand, Ld. Counsel for plaintiff has opposed the present application and further submitted that the delay in filing the WS by the defendant was condoned by the Ld. Predecessor of this court, subject to the cost mentioned in

the aforesaid application, which ought to have been paid, as there was considerable delay on the part of the defendant in filing WS.

Submissions heard. Record perused.

In view of the reasons mentioned in the aforesaid application as well as on the basis of submissions made by the Ld. Counsel for the parties, the cost imposed vide order dated 01.03.2024 is reduced to the extent of half i.e. from Rs. 25000/- to Rs. 12,500/-. Out of which Rs. 7,500/- be deposited with Shahdara Bar Association and acknowledgement receipt qua the same be placed on judicial file on or before next date of hearing by defendant. Balance cost of Rs. 5000/- be paid by the defendant to plaintiff on NDOH. Application u/s 151 CPC for waiving of cost filed by the defendant is disposed off accordingly.

Matter is adjourned.

Matter be listed for payment of cost and for replication, admission-denial of documents and framing of issues on 18.12.2024. NDOH is given as per convenience of the Ld. Counsels for the parties.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/04.09.2024