

16.12.2024

Present : Sh. Vikas, proxy Counsel for Plaintiff with Plaintiff.
Sh. Atul Sharma, Ld. Counsel for Defendant/

A. Matter is listed today for consideration of application of Plaintiff, which was earlier filed to bring on record the judicial record, which was treated as an application filed '*under Order 7 Rule 14 CPC*'. Perusal of record shows that on the LDOH, Ld. Counsel for Plaintiff has sought adjournment to file relevant citations in support of his application.

Today instead of filing the citation, Plaintiff has filed another application under the same provision i.e. under Order 7 Rule 14 CPC a/w supporting affidavit and proof of service for taking on record judicial record, as per Index, running upto 5 pages.

Perusal of record shows that evidence of Plaintiff was closed vide Order dated 19.04.2023. Thereafter, an application to recall the said Order was filed by the Plaintiff on 05.06.2023, which was allowed on 03.11.2023 and costs of Rs.20,000/- were imposed upon the Plaintiff. The said costs were not paid. On 22.03.2024, vide separate statement of ld. counsel for plaintiff, PE was again closed. Thereafter, the matter was listed for DE. However, as discussed above, Ld. counsel for plaintiff again filed an application to place on record the additional documents.

I have already observed in the Order of last date that no reason whatsoever was mentioned in the application as to why, these documents were not filed earlier and Ld. counsel for plaintiff sought an adjournment to file citation in support of his arguments.

No such citation has been filed. Costs of Rs.2,000/- were also imposed upon the Plaintiff on 16.08.2024.

Coming to instant application under Order 7 Rule 14 CPC. No reason has been mentioned as to why these documents were not filed earlier. Perusal of record shows that PE was first closed on 19.04.2023 and thereafter, PE was again closed on statement of Ld. counsel for Plaintiff on 22.03.2024. Perusal of both the applications under Order 7 Rule 14 CPC show that no plausible reason has been mentioned in the application as to why these documents were not filed earlier.

In the Ordersheet dated 16.08.2024, I have already observed that the Plaintiff is deliberately trying to prolong the matter and today, plaintiff instead of filing the citations in terms of the previous order has filed instant application under the same provisions. The suit pertains to the year 2016. In such circumstances, both the applications deserve to be dismissed. Hence, **both the applications under Order 7 Rule 14 CPC are dismissed** & Plaintiff is further burdened with costs of Rs.10,000/- for wasting the time of the court (*out of said costs, half be paid to other side and rest be deposited with DLSA(Shah)*).

B. On LDOH i.e. 30.09.2024, an application has been filed by the plaintiff seeking waiver of costs.

Heard on application seeking waiver of costs.

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*No good ground is shown for waiver of costs. As such, the application is **dismissed**.*

Put up for DE on **21.03.2025**.

Let evidence affidavits of all the DWs be filed on record within 04 weeks and advance copy of same be supplied to the other side at least 10 days prior to next date.

(MOHAMMAD EHTESHAM)
District Judge-03 (Shahdara),
KKD Courts, Delhi.16.12.2024.