CS 1066/18
Mohini Vs Mahesh & Ors.

09.09.2022

Present: Sh. C.S.S. Tomar, ld. counsel for plaintiff.

Sh. Balbir, ld. counsel for defendant no.1.

Defendant no.2, 3, 4 and 5 have been exempted on their statement dated 20.02.2022.

At this stage, ld. counsel for defendant no.1 filed WS. It be taken on record. Copy supplied.

Record perused. On perusal of record it is revealed that defendant no.1 was directed on 15.11.2021 to file WS within 30 days from that date, despite that he did not file WS within 30 days from 15.11.2021 and took almost 10 months in filing of the same. Limitation to file WS has already been elapsed. Ld. counsel for defendant no.1 is unable to explain the reason of said delay in filing WS. Therefore, in these circumstances, WS is taken on record subject to cost of Rs.15000/- upon the defendant no.1-, out of which Rs.5,000/- shall be paid by the defendant no.1 to the plaintiff on next date of hearing and the rest of Rs.10,000/- shall be deposited by the defendant no.1 with any institute running for the welfare of Birds and Animals (except Gaushala). The plaintiff is also directed to place the receipt of deposit of aforesaid cost of Rs.10,000/- on judicial file on or before next date of hearing. It is also made clear that the defendant no.1 shall not claim exemption of the aforesaid cost of Rs.15,000/- under

Income Tax.

Matter is adjourned.

Matter be listed for further proceedings on 10.01.2023.

(RAMESH KUMAR-II)
ADJ-01/KKD Court/Delhi
09.09.2022