

01.04.2024

One of regular steno is on leave and no substituted steno is available.

Present: Sh. Krishna Kumar Singh, Ld. Counsel for plaintiff.
Sh. Rajat Agnihotri, Ld. Counsel for defendant along with defendant.

List of witnesses along with evidence by way of affidavit filed on behalf of the defendant. Copy supplied.

Application for waiver of cost also filed on behalf of the defendant.

Submissions heard.

Ld. Counsel for plaintiff strongly opposed present application on the ground that, defendant is deliberately delaying the present proceedings as he was specifically directed by this court to supply the evidence by way of affidavit in advance, as last opportunity but, said order has not been complied with.

Per contra, Ld. Counsel for defendant submits that, he has already supplied the copy of evidence by way of affidavit in advance via Indian post.

Record perused. No postal receipt or tracking report placed on record by defendant.

In the opinion of this court, **no ground made out for waiver of cost but, still in the interest of justice, same is reduced to Rs. 2000/-.** Same shall be paid to plaintiff. Cost paid. Application stands disposed off accordingly.

DW-1 is present. However, his evidence could not be tendered for want of certificate u/s 65B of Indian Evidence Act.

Ld. Counsel for defendant submits that, he has already filed the same along with WS, however, same is not available on record.

Ld. Counsel for plaintiff submits that, he is already having copy of the same.

In view thereof, let certificate u/s 65B of Indian Evidence Act be filed on NDOH.

Put up for DE on **08.07.2024**.

(SHILPI M JAIN)
ADJ-05 (SW)/Dwarka Courts
New Delhi: 01.04.2024