

24.08.2016

Present: Sh Saifudin, Ld. Counsel for plaintiff.  
Ld proxy counsel for defendant no 1  
Md Hassan, Ld. Counsel for defendant no 2  
None for defendant no 3

Heard.

Be awaited till 12 noon with direction to defendant to comply  
the last order.

(Rakesh Kumar-IV)  
ADJ-06, West District  
THC/24.08.2016

At 12 noon

Present: Sh Saifudin, Ld. Counsel for plaintiff.  
Ld proxy counsel for defendant no 1 along with defendant no 1  
Md Hassan, Ld. Counsel for defendant no 2 along with  
defendant no 2  
Defendant no 3 in person.

Today, previous cost of Rs 10,000/- has been paid by the  
defendant no 1 and 2 but not paid by the defendant no 3 and submitted to  
dispose of his application U/s 151 CPC for waiving of the cost and sought  
adjournment which is strongly opposed by counsel for plaintiff.

Heard. File perused.

From the file it reveals that since two dates ld counsel for  
defendant has not appeared. Moreover, on bare perusal of application for

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waiving of cost, grounds has been taken for waiving of cost as WS could not be filed because the plaintiff had been giving assurance to withdraw the present suit since service of the defendant contrary to the contents of the application for condonation of delay of WS as in that application there was no as such plea has been taken, hence, request of adjournment on behalf of defendant no 3 is turned down and the application for waiving of cost on merit is not as such maintainable, accordingly application for waiving of cost is dismissed.

Defendant no 3 is directed to pay the cost positively on NDOH to the plaintiff.

Parties are liberty to file affidavit in respect to admission denial of documents filed by each one with advance copy to each other.

Case adjourned and renotify on **08.12.2016** for replication if any, admission and denial of documents, filing of documents if any, framing of issues and to explore the possibilities of settlement between the parties. Parties are at liberty to file list of proposed issues on or before NDOH with advance copy to each other.

Parties are directed to appear in person on NDOH.

(Rakesh Kumar-IV)  
ADJ-06, West District  
THC/24.08.2016