

CIV DJ 10715/2016
Sheela Meena Vs.
Suresh Kumar Meena & Anr.

28.09.2024

Present: Plaintiff/ PW-1 with Ld. Counsels Sh. Digvijay
Singh & Sh. Santosh Kumar.
None for D-1.
Sh. Sahil Kalra, Ld. Co-counsel for D-2.

Fresh Vakalatnama is filed on behalf of D-2. Be taken on record.

After LDOH, an application u/s 151 CPC was filed on behalf of D-2 through e-filing and its hard copy was also furnished. Be taken on record.

By way of present application, D-2 is seeking waiver of cost imposed vide order dated 22.01.2024 mainly stating that inadvertently presence of Sh. Sahil Kalra was recorded instead of proxy counsel Sh. Sarthak Sharma, who sought passover due to non-availability of main counsel as he was engaged before the Hon'ble High Court of Delhi.

Ld. Counsel for plaintiff has strongly opposed the plea taken by the D-2 stating that this is not a valid ground.

It is observed that vide order dated 22.01.2024, the cost was imposed as PW-1 was not cross-examined and non-availability of counsel in itself is not a valid ground.

In view of above discussion, the application is being dismissed. On behalf of the D-2 the cost is undertaken to be paid by NDOH.

Contd..2/-

PW-1 is further cross-examined in part on behalf of the D-2 and her further cross-examination is deferred at request of Ld. Counsels for both the parties.

Put up for payment of cost and further cross-examination of PW-1 on 18.01.2025.

(GOPAL SINGH CHAUHAN)
DJ-03, WEST/DELHI
28.09.2024