

MS RAKHI ASSOCIATES Vs. MS ASSOCIATES FOREX SERVICE LTD.

04.02.2021

Present: Sh. Chandermal, Ld. Counsel for the plaintiff.

Sh. Yashwant Singh, Ld. Counsel for the defendant no. 1 to 4.

Defendant no. 5 is already ex-parte vide order dated 22.02.2020

Fresh vakalatnama filed on behalf of defendant no. 1 to 4. it be checked and placed on record.

A cost of Rs. 50,000/- was imposed upon the defendant no. 1 to 4 vide order dated 22.02.2020 for taking on record their WS after condoning delay of 780 days. However, the said cost has not paid till date. Today an application for waiver of cost has been filed on behalf of defendant no. 1 to 4. Copy supplied. Submissions heard. Waiver is sought on the ground that the court has taken a lenient view qua the applicant as his business is not running and they have no source of income.

I find no reason to waive the cost imposed upon the defendants. The cost has been imposed vide a reason order dated 22.02.2020 considering their conduct and the resulting delay in the present matter. This suit is pertaining to the year 2010 and still at the stage of framing of issues only because of the casual conduct of the applicant. In these circumstances, no ground is made out for waiver of cost. Hence, the same is dismissed.

Re-notify for payment of cost, filing of replication, completion of pleadings, A/D of documents if any as well as for framing of issues on 15.03.2021.

Ms. Shivali Sharma

Additional District Judge-03(West)

Tis Hazari Court/04.02.2021