

Suit No.17832/2016

PAWAN KUMAR JAIN

Vs.

NARENDER KUMAR JAIN

03.08.2022

Present : Shri M.L. Vashisth, Ld. Counsel for plaintiff.

Defendant in person.

Ld. Counsel for plaintiff has filed an application for change of address submitting that plaintiff has shifted to his new address as mentioned in the prayer clause of the application. He prays that fresh address of the plaintiff may be taken on record.

Heard. Perused.

The application stands allowed. Fresh address of the plaintiff is taken on record. Let address of the plaintiff be now read as mentioned in the prayer clause of the present application. Ahlmad is directed to mention the same in the plaint.

Reply to the application of the defendant seeking waiver of cost filed on behalf of plaintiff.

Ld. Counsel for plaintiff has advanced his arguments, however defendant seeks adjournment on the ground that earlier in the morning his counsel had appeared and submitted that he is not feeling well.

Heard. Perused.

The Court can recall the said fact as an Advocate had appeared who was advised to come at 12:30 p.m. and he was further told that the Court may pass any order if he will not appear.

Contd...2/-

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Arguments advanced by Ld. Counsel for defendant on the application of defendant for waiver of costs.

Put up for order on the said application at 4:00 p.m.

Ld. Counsel for defendant is at liberty to join the V.C. hearing at 2:00 p.m. if he wishes to.

(HEM RAJ)
ADJ-08 : CENTRAL DISTRICT
TIS HAZARI COURTS : DELHI
03.08.2022.

AK

At 2:00 p.m.

03.08.2022

Present : None for plaintiff.

Shri Atul Gupta, Ld. Counsel for defendant in V.C.

Ld. Counsel for defendant has advanced his arguments on the application for waiver of the costs.

Put up for order at 4:00 p.m.

(HEM RAJ)
ADJ-08 : CENTRAL DISTRICT
TIS HAZARI COURTS : DELHI
03.08.2022.

AK

At 4:00 p.m.

03.08.2022

Present : None.

During the course of the day arguments were heard on behalf of the plaintiff and the defendant on the application of the defendant seeking

Contd...3/-

waiver of the costs of Rs.50,000/- imposed upon the defendant vide order dated 29.03.2022 when two applications of the defendant were dismissed by the Court.

In the instant application the defendant states that he has no mala fide intention in filing the present application as he is relying upon the law only. It is further stated that defendant is aged about 67 years old and has suffered heart attack and recently undergone heart surgery and stents were implanted in his heart for which hefty amount has been incurred by him. It is further stated that physical condition of the defendant has deteriorated due to the same and he is unable to pay the costs and on these grounds the defendant has prayed for waiver of the costs.

In the reply, the plaintiff has denied the averments of the application submitting that the applications were filed with mala fide intention to delay the proceedings of this case. It is further stated that defendant has not filed any medical document on record regarding his heart operation. Plaintiff further states that he himself is about 70 years of age and, therefore, no ground is made out for waiver of the costs is made out.

Record reveals that the defendant had filed the applications under Order 7 Rule 11 CPC on 24.09.2016 and 06.11.2017. Almost seven years were consumed in the disposal of these applications under Order 7 Rule 11 CPC. Further, the defendant has not filed any medical certificate/document on record to show that he has recently been operated and undergone a heart operation for which he had incurred hefty amount thereto.

Contd...4/-

In my opinion, the present application is nothing but another attempt to stall the case of the plaintiff. Hence, no ground for waiver of the costs is made out. Accordingly, the application stands dismissed.

If the defendant does not pay the costs to the plaintiff on the next date of hearing, the further participation of the defendant in this suit shall be closed.

Now, to come up for admission & denial of documents, if any, consideration of issues on 07.09.2022.

(HEM RAJ)
ADJ-08 : CENTRAL DISTRICT
TIS HAZARI COURTS : DELHI
03.08.2022.

AK