

Order no. 35 dt. 31.10.2017

Today is fixed for hearing of the petition dt. 27.07.2016.

Ld. Adv. for the plaintiff and defendant no.2,3,4,5,6 and 7 are present by filing their respective haziras.

Now the record is taken up for hearing of the aforesaid petition.

Ld. Adv. for the defendants submits and prays to the Court for waiving the cost of Rs.600/- (Rs.200/- in Misc Case 24/13 and Rs.400/- in the present suit) which was imposed by this Ld. Court on the ground that the Ld. Adv. for the defendant could not appear on the date fixed . He submits that he could not appear on the date fixed because he had to leave the premises of this Court upon hearing of his mother's illness. Therefore, prays that the payment of amount of Rs.600/- should be waived.

On the contrary, Ld. Adv. for the plaintiff submits that the Ld. Adv. for the defendants is not stating the correct reasons for his non-appearance upon the date so fixed. Therefore, submits that a cost of Rs.600/- should not be waived.

On hearing the Ld. Advocates for both the parties and on perusal of the case record and the petition dt. 27.07.2016, I am of the view that the order imposing cost has been passed correctly. I do not find the reasons as stated in the petition convincing and satisfactory.

Therefore, in the above facts and circumstances Rs.600/- as cost is to be paid by the defendant. To 15.02.2018 for further cross-examination of PW1 and payment of cost of Rs.400/- positively.

D/C by me

Civil Judge (Jr. Div.)
Gangarampur at Buniadpur
Dakshin Dinajpur
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