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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ TEST.CAS. 12/2016

ANITA BHATIA & ANR

..... Petitioners

Through: Ms. Kawaljit Kaur, Adv. for Mr.
Manu Nayar, Adv.

Versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Anuj Bhushan, Adv. for R-3.
Ms. Savitri Kalra, R-4 in person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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21.02.2019

IA No.2672/2019 (of the respondent no.4 under Section 151 CPC)

1. The respondent no.4, by this application seeks to deposit in this Court the cost imposed on 30th October, 2018.
2. The applicant / respondent no.4 Savitri Kalra, identified by the counsel for the petitioner, appears in person and states that since the order dated 30th October, 2018 did not specify to whom the costs is to be paid, it could not be paid.
3. The counsel for the petitioners rightly states that if there was any doubt, the clarification should have been sought immediately after 30th October, 2018 and not on the penultimate day before the scheduled date of today. I may even otherwise add that in the absence of the order specifying that the costs are to be paid to anyone else, other than the opposite party, the costs are to be paid to the opposite party.
4. The respondent no.4 appearing in person has paid costs of Rs.15,000/- in cash to the counsel for the petitioners.



5. IA No.2672/2019 is disposed of.

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6. The aforesaid costs were imposed for the time granted to the respondent no.4 to amend her objections. No amendment application has been filed till now.

7. However, it is explained that the father of Mr. Praveen Singh, Advocate for respondent no.4 was ailing and has passed away and Mr. Praveen Singh, Advocate has not been attending Court for the said reason and the application for amendment though ready, could not be filed for the said reason.

8. On the condition that the application for amendment be filed on or before 28th February, 2019, yet another opportunity is granted to the respondent no.4 to seek amendment. However, if no such application is filed before the said date, the right to seek amendment shall stand closed.

9. List on 14th March, 2019.

RAJIV SAHAI ENDLAW, J

FEBRUARY 21, 2019

‘gsr’