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

+ **CS(OS) 3314/2012**

SAVITA HANDA

..... Plaintiff

Through: Appearance not given.

versus

RAM PRAKASH LAMBA & ORS

..... Defendants

Through: Mr. Harish Kumar Garg, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **22.01.2024**

O.A. 15/2024 (Appeal under Chapter II Rule 5 of the Delhi High Court Rules on behalf of Defendant No.6 for Waiver of Cost) and I.A. 1604/2024 (under Section 151 CPC on behalf of defendant No.6 for Issuing Direction to Defendant No.1 and 3 to comply with Order dated 26.09.2023)

1. An Appeal has been filed on behalf of the defendant No.6 for waiver of cost along with an application for issuing Directions to defendant No.1 and 3 to comply with Order dated 26.09.2023.
2. It is submitted in the Appeal that the plaintiff has supplied Joint Document Schedule qua plaintiff and defendant No.1, 2A-2C, 3, 4, 5 and 6 in view of the Order dated 13.01.2023 for seeking inputs of the defendants/applicant.
3. Joint Schedule provides the details of the documents submitted by the plaintiff No.1 to 3 for inputs by the parties. The Joint Schedule is annexed along with the Appeal.



4. On 26.09.2023 defendant No.1, 3 and 6 were directed to provide their inputs to the draft of the Joint Schedule of the documents to the Counsel for the plaintiff. Defendant No.6 pointed out that defendant No.1 and 3 were not supplied the copy of the Written Statement and the documents filed along with it and in the absence of the same inputs cannot be given.

5. Defendant No.1 and 3 had undertaken to supply the same within two days, but they had not complied with the said undertaking till date and have failed to supply the written statement along with the documents on account of which defendant No.6 is unable to give his inputs on the Joint Schedule of documents since 11.12.2023. On 15.12.2023 on account of the marriage of the son of the counsel for defendant No.6, he was unable to appear in person on 11.12.2023 but sent his colleague Ms. Anubhuti Tyagi to attend the proceedings who requested for the copy of the Written Statement and the documents filed by defendant No.1 and 3. However, the learned Registrar vide Order dated 11.12.2023 directed the defendant No.6 to give its inputs on the Joint Schedule of Documents within ten days and imposed a cost of Rs.5,000/-. It is submitted that it is not possible for defendant No.6 to given his inputs on the Joint Schedule of Documents since he has not been supplied with the documents of defendant No.1 and 3 till date. It is, therefore, submitted that the cost impost may be waived.

6. Submissions heard.

7. Admittedly, the Written Statement on behalf of defendant No.1 and 3 had been filed in November, 2018 and it is only now at the time of filing of inputs to Joint Schedule the defendant No.6 has taken the plea of not having received the copy of the Written Statement of defendant No.1 and 3 along with documents.



8. It is pertinent to observe that the matter is of 2012. Considering all the surrounding circumstances, no ground is made out for waiver of the cost and for allowing the application I.A.1604/2024.

9. The Appeal and the application are, therefore, without merit and are hereby dismissed.

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10. List before the learned Joint Registrar on 04.03.2024, the date already fixed.

NEENA BANSAL KRISHNA, J

JANUARY 22, 2024/va