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

+ RFA 575/2011 & CM APPL. 22901/2025

ASHOK KUMAR VIJAY KUMAR & ORSAppellants

Through: Dr. Anu Solanki, Advocate.
(M): 9158908720

Email: advanusolanki04@gmail.com

versus

USHA RANIRespondent

Through: Mr. Prony Mila, Advocate.
(M): 9220610444

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
21.04.2025

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CM APPL. 22901/2025 (Application for waiver of cost)

1. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908 ("CPC") on behalf of the appellants for waiver of the cost imposed *vide* order dated 13th September, 2024.
2. It is submitted that during the pendency of the present appeal, the respondent had expired and the same was informed on behalf of the respondent by moving the application, i.e., *CM APPL. 17476/2024* under Order XXII Rule 4 CPC read with Section 151 of CPC. The said application was duly allowed *vide* order dated 20th March, 2024. However, it was not disclosed in the said order, as to who had to file the amended memo of parties, as the application of the respondent was allowed.
3. Since, the appellants were under the impression that respondent had to



comply with the order dated 20th March, 2024 for filing the amended memo of parties, the said amended memo of parties could not be filed.

4. Accordingly, it is prayed that since the correct names of the legal heirs were not disclosed to the appellants on or before 13th September, 2024, the appellants were unable to file the amended memo of parties. Thus, the present application has been filed.

5. Issue notice.

6. Notice is accepted by learned counsel appearing for Legal Representatives of the respondent.

7. Considering the submission made before this Court, the cost of ₹10,000/- as imposed on the appellants *vide* order dated 13th September, 2024, is waived.

8. With the aforesaid directions, the present application is disposed of.

MINI PUSHKARNA, J

APRIL 21, 2025

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