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

+ W.P.(C) 3703/2016

M/S. SMRITI CARDS PARADISE (SINCE DISSOLVED)

..... Petitioner

Through: Mr.Sanjay Shangari, Adv.

versus

RAM SHRIMONI TIWARI

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE V.P.VAISH

ORDER

% **03.05.2016**

CM No.15801/2016

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3703/2016

The petitioner has impugned order dated 07.01.2016 passed by learned Presiding Officer, Labour Court-XVII, Karkardooma Courts, Delhi whereby the application for waiving of cost filed by the petitioner was dismissed.

Briefly stating the facts of the case are that the respondent Mr. Ram Shrimoni Tiwari filed statement of claim before learned Labour Court, Delhi. Notice of the claim petition was issued to the petitioner Management. Notice sent to the petitioner by ordinary process for 02.08.2013 was received back with the report that the employee of the

petitioner Munna 'refused to accept' the notice. The petitioner failed to appear before the learned Labour Court and the petitioner was proceeded ex-parte vide order dated 02.09.2013.

The petitioner moved an application under IX Rule 7 of the Code of Civil Procedure (for short 'CPC') for setting aside the ex-parte order dated 02.09.2013. Vide order dated 06.12.2013, the application was allowed and ex-parte order was set aside subject to payment of costs. Thereafter, the petitioner moved an application for waiver of cost which was dismissed vide impugned order dated 07.01.2016.

Vide order dated 06.12.2013, the learned Labour Court has observed that employee of the petitioner namely, Munna refused to accept the notice sent to the petitioner and the said fact was not disputed by the petitioner.

In my view, the impugned order does not call for any interference.

Accordingly, the petition stands disposed of.

CM No.15800/2016

The application is dismissed as infructuous.

V.P.VAISH, J

MAY 03, 2016/gm