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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 605/2013, CRL.M.A 14712/2013, IAs 8660/2012,
8662/2012, 14982-14983/2014, 21770-21771/2015 & 25072/2015

SONAL KAPOOR & ANR Plaintiffs
Through: Mr.Muneesh Malhotra, Mr. Achin
Mittal, Advs.

versus

VISHAL KAPOOR Defendant
Through: Mr. P.K.Jain, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **22.02.2016**
IA 25071/2015

This is an application filed b y the defendant for modification of the order dated October 14, 2015 whereby a cost of Rs.50,000/- was imposed on the defendant for his non apperanacne in the Court on the said date.

Learned counsel for the defendant /applicant states that the defendant could not present himself on October 14, 2015 primarily for the reason that his presence was required in Bahrain in administrative exigencies. He has drawn my attention to the e-mail dated September 30, 2015 at page 27 of the application addressed to the defendant whereby a meeting was fixed for

October 7, 2015 and accordingly, the ticket of the plaintiffs for departure to Bahrain was changed to October 6, 2015.

A perusal of the application reveal that the plaintiffs in fact had left Delhi for Bahrain on October 12, 2015 i.e. two days before the date of hearing. No reasons have been given why instead of October 6, 2016, the defendant left on October 12, 2015. Nothing precluded the defendant to file an application on the same date seeking exemption of his appearance in the Court on October 14, 2015.

I note that this Court while imposing cost has noted that no valid reasons have been given on behalf of the defendant for non appearance.

Imposition of cost being discretionary, this Court is of the view that no ground has been made to interfere with the said order.

Learned counsel for the defendant states that the earlier cost of Rs.10,000/- shall also be paid within two weeks.

The application is dismissed.

CS(OS) 605/2013

This is a suit for maintenance which has been valued at Rs. 1,03,17,708/-.

In view of Notification No. 27187/DHC/Orgl. dated 24th November,

2015 & in exercise of power conferred by Section 4 of the Delhi High Court (Amendment) Act, 2015, (Act 23 of 2015), which came into force with effect from 26th October, 2015 vide Notification No. F.No.L-19015/04/2012-Jus dated 26th October, 2015 issued by the Government of India, Ministry of Law, Justice & Company Affairs published in Gazette of India Extraordinary, Part II, Section 3 Sub-Section (ii), the present matter is liable to be transferred to the learned District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi. Accordingly, the parties to appear before the learned District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi on April 18, 2016.

V. KAMESWAR RAO, J

FEBRUARY 22, 2016
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