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

+ CM(M) 958/2016

M/S. ICICI BANK LIMITED

..... Petitioner

Through Mr.Punit K.Bhalla & Ms.Chetna
Bhalla, Advocates

versus

M/S. HARIPRASAD GOPIKRISHNA

JEWELLERS PVT TLD

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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23.09.2016

CM No.35232/2016 (exemption)

Allowed subject to all just exceptions.

C(M) No.958/2016 & CM No.35233/2016

1. By the present petition, the petitioner seeks to challenge the order dated 30.08.2016 by which the application filed by the petitioner under Order 7 Rule 11 CPC was dismissed with cost of Rs.20,000/-.
2. After making some arguments, the learned counsel appearing for the petitioner submits that he would like to withdraw the present petition. He however, requests that three weeks time be granted to the petitioner to file written statement. He also submits that the trial court has erroneously imposed the cost of Rs.20,000/-. He also points out that as per the plaint itself, the basis for filing of the plaint shows that a sum of Rs.11,03,000/- was deposited by the respondent as part processing fee. He further points out

that as per the documents filed by the respondent himself, the said processing fee was non-refundable. Hence, he submits that it cannot be said that the application of the petitioner was frivolous and imposition of cost was harsh.

3. The present petition is dismissed as withdrawn. Liberty is granted to the petitioner to file written statement within three weeks from today. In view of the submissions of the learned counsel for the petitioner, the cost is reduced to Rs.10,000/- to be deposited with Delhi High Court Legal Services Committee, New Delhi.

4. A copy of this order be given *dasti* under the signature of the court master to the parties.

JAYANT NATH, J.

SEPTEMBER 23, 2016/v