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

+ CM(M) 1122/2016

ASHOK BISWAL & ANR Petitioners
Through Mr.Sumeet Kaul, Advocate

versus

KEWAL KISHORE Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **08.11.2016**

CM No. 41503/2016(exemption)

Allowed subject to all just exceptions.

CM(M) 1122/2016 & CM No. 41502/2016(stay)

1. By the present petition filed under Article 227 of the Constitution of India the petitioners seek to impugn the order dated 12.08.2016 by which the right of the petitioners to file written statement was closed and the written statement was directed to be taken off the record as the petitioners have failed to pay the costs of Rs.15,000/- each.
2. When the matter was pending before this court, this court had imposed cost of Rs.15,000/- on each petitioner, which was to be paid to the respondent within two weeks of order dated 20.04.2015.
3. The payment was not made by the petitioners. The trial court passed the impugned order.
4. The learned counsel appearing for the petitioners submits that the cost

was not paid on account of confusion as the matter was transferred from this court to the district court. He submits that there was no intention not to pay the cost. It was only on account of confusion due to transfer of the case to the district court.

5. Keeping in view the above explanation of the learned counsel for the petitioners and in the interest of justice, subject to payment of costs as directed by this court of Rs.15,000/- another sum of Rs.5,000/- in addition by the petitioners within ten days from today the present petition is allowed. The trial court may place on record the written statement filed by the petitioners.

6. The petition and the pending applications stand disposed of.

7. *Dasti.*

JAYANT NATH, J.

NOVEMBER 08, 2016/v