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

+ CM(M) 344/2017

KAMAL KOHLI

..... Petitioner

Through Ms.Parul Sharma, Advocate

versus

NUPUR SETHI

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 27.03.2017

CM No.11870/2017 (exemption)

Allowed subject to all just exceptions.

CM(M)344/2017 & CM No.11869/2017(stay)

By the present petition under Article 227 of the Constitution of India the grievance of the petitioner is limited to the fact that vide impugned order dated 10.03.2017 the trial court has wrongly observed that on the last date of hearing petitioner had sought adjournment and has imposed costs of Rs.20,000/-.

Learned counsel appearing for the petitioner relies upon judgment of a Division Bench of this court in *M/s. Progressive Constructions Ltd. vs. M/s. Sharma Associates and Contractors Pvt. Ltd. and another*, AIR 2001 Delhi 494 to contend that only reasonable costs can be imposed on a party which are sufficient to compensate the opposite party for expenses incurred for that day and costs should not be imposed by way of a penalty. She submits that

earlier also costs of Rs.4,500/- and Rs.7,500/- have been imposed on the petitioner which have been duly paid. She further submits that there is no intention to delay the proceedings as the suit was filed sometimes in April 2016 and within a short span the evidence has been completed through a Local Commissioner and the suit is ripe for final arguments. She further submits that on the date in issue the counsel for the petitioner was held up in another court and hence adjournment had to be sought.

Advance copy of the petition has been served on the respondent but none is present on her behalf.

Keeping in view the averments made in the petition, the costs are reduced to Rs.5,000/-. Petition and all pending applications stand disposed of accordingly.

A copy of this order be given dasti under signatures of the court master to learned counsel for the petitioner, as prayed.

JAYANT NATH, J

MARCH 27, 2017

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