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

+ C.R.P. 12/2017 and CM Nos. 2035-36/2017

MODI INFOSOL PVT LTD Petitioner
Through Mr. Manvendra Mukal and
Mr.Dhananjay Pandey, Advocates.
versus
TNSI CONSULTANCY SERVICES PVT LTD..... Respondent
Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **18.01.2017**

By the present petition filed under Section 115 CPC, the petitioner seeks to impugn the order dated 31.05.2016 by which order the suit of the petitioner was dismissed under Section 35 B CPC on account of non-payment of cost. The order records the submission of the petitioner that he is not willing to deposit the cost.

Learned counsel for the petitioner submits that the petitioner has always been ready to pay the cost and the order has on account of some confusion mentioned the said statement attributed to the petitioner. The petitioner shall pay the cost as imposed by the trial court and shall also pay an additional cost of Rs. 1,000/-. Subject to payment of these costs, the suit of the petitioner would stand restored. The costs be deposited with the DLSA.

List this matter before the trial court on 02.02.2017.

In view of the above, the present petition and all pending applications stand disposed of.

JANUARY 18, 2017/rb

JAYANT NATH, J