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

+ **CM(M) 996/2018**

BAKSHI BHUSHAN

..... Petitioner

Through: Mr.Saurabh Bhargavan, Advocate

versus

NIRMAL & ORS

..... Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **27.08.2018**

CM No.34574/2018

This is an application filed on behalf of the petitioner for exemption from filing certified copies of the annexures P-6 and P-7.

Exemption allowed, subject to just exceptions.

CM(M) 996/2018 and CM No. 34573/2018

Vide the present petition, the petitioner assails the impugned order dated 14.5.2018 of the learned Additional District Judge-06, Central District, Tis Hazari Courts, Delhi in New CS No.17199/16, which was on an application filed by the petitioner herein assailing the order dated 9.1.2018 of the learned Additional District Judge-06 whereby the matter was adjourned for cross-examination of the plaintiff's witnesses as a last opportunity to the date 14.5.2018 subject to costs of Rs.20,000/- with it having been observed to the effect that there were witnesses present, i.e., PW1 Smt. Nirmala for cross-examination, PW Ganga Devi and PW Ram Avtar for examination but an adjournment had been sought on behalf of the defendants No.1 to 4 i.e., the petitioners herein submitting to the effect that the counsel was unwell which adjournment was strongly opposed on behalf of the

plaintiff of the said suit and the matter had been renotified for defendants opportunity to cross-examine the witnesses subject to costs of Rs.20,000/-.

Vide the said impugned order dated 14.5.2018, the learned Trial Court vide paragraph 5 of the impugned order allowed the defendant i.e., the petitioner herein to make a payment of reduced costs of Rs.5,000/- in view of the factum that the counsel for the defendants was stated to have had a soar throat with it having been observed that no medical document had been filed along with the application and that there was no ground for complete withdrawal of the costs.

Apparently, vide the impugned order dated 14.5.2018, the costs imposed vide order dated 9.1.2018 which was assailed before the learned Trial Court itself which had been imposed to the tune of Rs.20,000/- have been reduced to Rs.5,000/-. In the circumstances of the case, there is found to be no merit in the prayer made by the petitioner seeking withdrawal of the costs in *toto* taking into account the factum that there were three witnesses of the plaintiff present on the date 9.1.2018. In the circumstances, the petition and the accompanying applications are thus declined.

ANU MALHOTRA, J

AUGUST 27, 2018/sv