

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR no.1391 of 2019 (O&M)

Date of Decision: 27.02.2019

Vinod Kumar

...Petitioner

Vs.

Anil Kumar Singhal

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Dinesh Arora, Advocate, for the petitioner.

Amol Rattan Singh, J (Oral)

Learned counsel for the petitioner submits that a delay of 299 days in filing the appeal against the counter-claim having been occurred due to inadvertence, even though it was an appeal against dismissal of his own suit, it is a *bona fide* prayer, for which costs of Rs.30,000/- are excessive.

Whereas the petitioner may be correct to some extent, but the costs already having been imposed upon the petitioner, with the appeal now being entertained by the appellate court, they cannot be decreased substantially in any case without issuing notice to the opposite side and even if eventually this court comes to a conclusion that the petitioner does not have a good enough case on merits, or that the costs may need to be reduced to an extent, the additional costs of forcing the respondent to come before this Court (in this petition), would naturally have to be borne by the petitioner.

Keeping in view the above, this petition is disposed of even without calling upon the respondent, by holding that instead of Rs.30,000/-,

the petitioner would pay Rs.25,000/- as costs to the respondent.

Disposed of in the above terms.

27.02.2019

vcgarg

(Amol Rattan Singh)

Judge

Whether speaking/reasoned : Yes

Whether reportable : no