

AJAY SINGH V/S STATE OF HARYANA & ORS

Present: Mr. Arjun Atri, Advocate, for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Pursuant to the order dated 06.12.2018, the petitioner is present in Court along with his counsel.

It is submitted by the counsel for the petitioner that the petitioner is a poor person. He is not in a position to pay the amount of cost of Rs.5,000/-, as such. It is further contended that since the petitioner has withdrawn the main petition itself and he is facing the trial pursuant to the order which was impugned in the present petition, therefore, it would not be justified to burden the petitioner with cost. Learned counsel for the petitioner further submitted that at the time of withdrawing the petition, he was under the impression that since the main petition was itself being withdrawn, therefore, all the orders passed in this case; including the order imposing the cost upon the petitioner; would be rendered non-est. It is prayed that in the facts and circumstances of the case, the cost imposed upon the petitioner be waived off.

Having considered the entirety of the facts and circumstances of the case, this Court finds that it would not be justified to keep the burden of Rs.5,000/- upon the petitioner, despite the fact that he had withdrawn the main petition itself and he is facing the trial also.

Accordingly, the costs of Rs.5,000/- imposed vide order dated 15.09.2017 is waived off. The petitioner is discharged of the liability of paying cost of Rs.5,000, accordingly.

(RAJBIR SEHRAWAT)
JUDGE

29.01.2019

Hemlata