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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 649/2019

DURA LINE INDIA PVT LTD

..... Petitioner

Through : Mr.Rajesh Banati, Mr.Ankit Banati,
Advocates.

versus

SUGAM PARIVAHAN PVT LTD

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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02.05.2019

CM APPL No.19584/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 649/2019 & CM APPL No.19583/2019

This petition challenges the order dated 07.02.2019. In the present case the local commissioner was appointed to record the evidence between the parties. The plaintiff/respondent has taken adjournment on 20.08.2018 and on 28.08.2018 before the learned local commissioner and did not produce its evidence. On 25.09.2018 both the parties moved a joint application for adjournment for the date fixed that is 27.09.2018. However a cost of Rs.15,000/- was imposed by the learned local commissioner for such adjournment, half of which was to be paid by the petitioner. The matter when then taken up by the learned Trial Court and the Trial Court also imposed

further cost of Rs.1,000/- to be paid by the petitioner herein as the petitioner failed to pay the cost of Rs.7,500/- to the learned local commissioner.

It is alleged by the learned counsel for the petitioner never an adjournment was taken by the petitioner and in fact it was the respondent who was taking adjournment, except on 27.09.2018 when a joint request was made and hence cost of Rs.7,500/- imposed by local commissioner be reduced as also the cost imposed by the learned Trial Court.

In the circumstances let the petitioner pay an amount of Rs.4,000/- towards the cost to the learned local commissioner as full and final settlement of all costs, to be paid within ten days from today.

The petition and pending application stands disposed of in terms of above.

Order *dasti*.

YOGESH KHANNA, J.

MAY 02, 2019

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