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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 2nd March, 2020
+ **CM(M) 277/2020 and CM APPL. 8252/2020, 8253/2020**
PRADEEP SINGH AHLUWALIA Petitioner
Through: Mr. Naveen Kr. Chauhan, Advocate
(M: 9891899678).

versus

KARAMVEER SINGH BEVLI Respondent
Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. The petition challenges orders dated 30th September, 2019 and 25th January, 2020 by which a total of Rs. 5,000/- as costs, has been imposed upon the Petitioner herein/Plaintiff. It is the submission of Id. counsel for the Plaintiff that the Trial Court has mentioned that an application under Order XXVI Rule 19 CPC was pending, however, it was an application under Order XXXIX Rule 1 and 2 CPC. Thus the trial court order is liable to be set aside.
2. A perusal of the record shows that the Plaintiff had sought an adjournment on 30th September, 2019 before the trial court as the Plaintiff was travelling abroad and accordingly, adjournment was granted after imposing Rs. 2,000/- as costs. When an application for recall was filed, the said application has been dismissed with further costs of Rs. 3,000/-.
3. This court while exercising jurisdiction under Art. 227 cannot micromanage trial court proceedings. Imposition of costs under

circumstances which may justify the same, is a prerogative of the trial court. In order to ensure speedy disposal and dissuade parties from seeking adjournments, Courts are constrained to impose costs. Thus, the orders are not liable to be interfered with.

4. However, the observations made by the Trial Court while imposing costs, may affect the Plaintiff's right of seeking fair adjudication on merits at the final stage. Accordingly, while not disturbing the costs which have been imposed, it is directed that the observations contained in the impugned orders would not come in the way of the final adjudication on merits.

5. The petition along with the pending applications is disposed of in these terms.

PRATHIBA M. SINGH
JUDGE

MARCH 02, 2020
MR