

A.Nos.502, 503 of 2021
in C.S.Nos.891 of 2015, 405 of 2014

C.V.KARTHIKEYAN J,

A.No.502 of 2021 has been filed by the plaintiff in C.S.No.891 of 2015. A.No.503 of 2021 has been filed by the defendant in C.S.No.405 of 2014. Both these applications have been filed move out of frustration. Both these applicants had the benefit of a decree and costs were granted in accordance with the amended Section 35 of the Code of Civil Procedure as amended by the Commercial Courts Act, 2015.

2. The grievance of the applicant is that, notwithstanding the provisions granting costs for the expenses involved with respect to witnesses, with respect to legal fees and with respect to any other expenses incurred in the legal proceedings, the Registry appears to have taken a conservative approach and had placed the Bill of costs before the Taxing Officer to determined the costs which can be granted in accordance with the Original Side Rules.

C.V.KARTHIKEYAN,J.

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3. I would rather that the Registry re-visits the issue in accordance with the amended Section 35 of the Code of Civil Procedure and grant costs as stated by the applicant herein in the Bill / Memo of costs subject to any reasonable proof. The legislature has not fixed any limit in so far as grant of costs are concerned in a lis which is determined to be a Commercial Dispute and in which Judgment has been given after trial.

4. A specific direction is given that the Registry is delegated to determine the costs in accordance with the amended provisions of the Section 35 of the Code of Civil Procedure and it is hoped they would be sensitive to the intention of the Legislature with respect to awarding the costs in a Commercial Dispute.

5. Both these applications are disposed of with the said observation.

16.02.2021

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