

M/S M.S. ASSOCIATES V/S SANTOSH AND ORS

Present:- Mr. Nisha Puri, Advocate
for the petitioner.

Mr. Anuj Malik, Advocate
for respondent No.6

Office report has been seen.

It is pertinent to mention that CR No. 6474-2012 has been filed by M/s M.S. Associates, who was defendant no.6, before learned Lower Court, to challenge the order dated 12.10.2012, whereby an application for leading secondary evidence, had been dismissed, vide the impugned order. Upon dismissal of the application, CR No. 6474-2012 was filed and vide order dated 26.11.2012, notice of motion was issued, subject to payment of Rs.15,000/- as litigation expenses. However, it was ordered that disbursement thereof shall be subject to outcome of the revision petition.

Even though, respondent No.6 had been making appearance, but however, vide order dated 22.11.2019, the revision petition was dismissed as withdrawn, as the petitioner was not inclined to pursue with the present revision petition, as it is stated that the original suit filed before the learned lower Court, had already been decided.

In the light of the same, the petitioner seeks payment of disbursement of the amount of Rs.15,000/- at the time of issuance of notice. Since, the revision petition has not been decided on merits, therefore, the amount of Rs.15,000/-, which was deposited at the time of issuance of notice of motion, be returned to the petitioner.

In these circumstances, a sum of Rs.15,000/- be returned to the petitioner, against proper receipt and identification.

IOIN stands disposed of.

(ARCHANA PURI)
JUDGE

05.09.2022

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