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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 10.03.2023

+ CM(M) 383/2023

UNION OF INDIA THROUGH THE SECRETARY & ORS.
..... Petitioners

versus

SH.SALAUDDIN & ORS. Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Vikrant N. Goyal, Ms. Ayushi
Garg and Ms. Tesu Gupta, Advocates.

For the Respondents : None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 11390/2023 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. Petitioners challenge the orders dated 18.08.2022 as well as 18.12.2022, whereby a cost of Rs. 10,000/- for seeking adjournment was imposed by the learned Trial Court and the application seeking waiver of the said cost was dismissed, respectively.
4. Mr. Goyal, learned counsel appearing for the petitioners submits

that due to change in the counsel of the Union of India as well as de-
empanelment of the panel counsel of the Union of India, no counsel was
present.

5. Mr. Goyal, learned counsel submits that as per the contention of
the petitioner, the absence was due to the fact that the duration of the
empanelment of the counsel had expired and the fresh empanelment had
not taken place.

6. Learned counsel submits that it is the aforesaid reason that the
previous counsel was unable to appear and the costs were imposed.

7. This Court has considered the submissions of Mr. Goyal, learned
counsel for petitioner. It is a known fact that the UOI is represented
through its nominated counsel who are empanelled in regular course.
The said list, at many times, expires due to efflux of time or some
counsel may be de-empanelled. It takes some time before the exercise of
drawing up fresh panel is complete. In those circumstances the UOI
cannot be blamed

8. In view of the above, this Court is of the considered view that no
purpose would be served in retaining the matter further, as it would be
indicting the trial, which appears to be pertaining to the year 2016.

9. An advance service upon the respondent was effected in terms of
the notification dated 05.12.2019 of this Court.

10. In view of the aforesaid, it is deemed appropriate to set aside the
order on the aspect of imposition of costs of Rs. 10,000/- vide orders
dated 18.08.2022 and 18.12.2022, whereby the application seeking
waiver of such costs was dismissed.

11. This order is only with respect to the aforesaid issues retaining the

other portions of the impugned orders intact.

12. Petition is disposed of in the above terms with no order as to costs.

TUSHAR RAO GEDELA, J.

MARCH 10, 2023/nd

