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

% Judgment delivered on: 09.05.2023

+ CM(M) 757/2023

AJIT SAXENA

..... Petitioner

versus

ROSHNI RAJARAM

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Dr. Amit George, Mr. Nitesh Mehra,
Ms. Hitaakshi Mehra, Ms. Siddhi
Mittal and Mr. Amol Acharya,
Advocates

For the Respondent : None

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. **CM APPL. 23853/2023**
2. Exemption is allowed, subject to all just exceptions
3. The application stands disposed of.

CM(M) 757/2023 & CM APPL. 23852/2023 (Stay)

4. The petitioner challenges the order dated 29.04.2023 in CS DJ
ADJ No. 589/2022 titled *Roshani Rajaram vs. Ajit Saxena* whereby the
learned Trial Court had imposed costs of Rs.15,000/- on the learned
counsel appearing for the petitioner/defendant.

5. Dr. Amit George, learned counsel appearing for the petitioner/defendant and submits that it is possible that since the counsel for the petitioner was appearing through VC, the communication in respect of the reference to paragraphs 3 and 4 of the replication filed by the respondent/plaintiff may have been taken to be reference to paragraphs 6 and 8 by the learned Trial Court, which is clear from the perusal of the impugned order and in that miscommunication and in addition thereto, the confusion created by the appearance on VC, the learned Trial Court has, in all probabilities, misunderstood the submissions made therein and has imposed costs on the assumption that there is a misdemeanor by the counsel.

6. Dr. George, learned counsel submits that the case may be considered sympathetically and without, in any manner, casting aspersions on the learned Trial Court or otherwise.

7. This Court has considered the submissions of Dr. Goerge, as also perused the impugned order and has considered the confusion in respect of paragraphs 6 and 8 in relation to the communication of learned counsel referring to paragraphs 3 and 4 of the replication.

8. Without commenting or observing anything on the merits of the impugned order and without changing anything therein, this Court is of the opinion that it would be in the interest of justice to set aside the costs as imposed upon the petitioner, leaving the order without any change.

9. Dr. George has submitted that the counsel is a young Advocate at Bar and therefore, the observations in paragraph 4 may be a little harsh.

10. This Court is also of the considered opinion that the observations made by the learned Trial Court in paragraph 4 so far as the counsel

appearing for the petitioner/defendant is concerned, the said observation shall stand expunged from the record of the Court.

11. In that view of the matter, the petition alongwith application stands disposed of.

TUSHAR RAO GEDELA, J

MAY 9, 2023

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