



\$~53

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

Date of decision: 24.08.2023

+ **CM(M) 1379/2023 & CM APPL. 43656/2023**

AMAZON DISTRIBUTORS(PVT) (LTD)

..... Petitioner

Through: Mr. Om Prakash Gupta, Advocate
with Mr. Radhey Shyam, Advocate

versus

M/S TOURNIETE PRIVATE LIMITED

..... Respondent

Through: None

%

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 43657/2023 (For Exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1379/2023 & CM APPL. 43656/2023

1. This petition impugns the order dated 07.08.2023 passed by the District Judge (Comm.), South-East District, Saket Courts, Delhi ('Trial Court') in CS (DJ) No. 1329/2018, titled as *Amazon Distributors (P) Ltd v. M/S Touniete Pvt. Ltd.*, limited to the extent the Trial Court imposed costs of Rs. 50,000/- on the Petitioner.
2. The Petitioner herein is the original plaintiff and the Respondent is original defendant before the Trial Court.



3. Learned counsel for the Petitioner states that the Petitioner was unable to place on record the additional documents as the same were also relied upon in the criminal complaint filed by this Petitioner herein against the Respondent.

3.1. He states that the civil suit itself has been filed for recovery of a sum of Rs. 4,56,516/- and the imposition of the costs of Rs. 50,000/- is onerous and will cause great prejudice to the Petitioner herein

3.2. He states that the Petitioner has already paid the costs of Rs. 20,000/-, in these proceedings which were separately imposed on him by the Trial Court *vide* order dated 03.07.2023.

3.3. He states that with the filing of these additional documents, all documents on which reliance is placed stand filed. No further documents are required to be filed by the Petitioner.

3.4. He states that the Respondent has been proceeded ex-parte in this matter.

4. This Court has considered the submissions of the counsel for the Petitioner and perused the record.

5. In view of the fact that the suit is for recovery of an amount of Rs. 4,56,516/- and as submitted by the counsel for the Petitioner that the delay in producing the documents occurred due to the fact that the same are being relied upon in another criminal proceedings, this Court find merit in the submission of the Petitioner that the impositions of this costs is disproportionate with the claims sought in the plaint. However, considering the fact that the plaintiff has sought adjournments, the order of the Trial Court imposing costs was justified. However, to mitigate the hardship caused to the Petitioner due to the quantum of the costs, this Court deems it appropriate to



reduce the quantum of costs from Rs. 50,000/- to Rs. 20,000/-. The Petitioner is directed to deposit the costs of Rs. 20,000/- with the Legal Aid within a period of two (2) weeks.

6. The submission of the Petitioner that no further adjournment will be sought for filing any further document is taken on record and the Petitioner is bound down to the same.

7. The aforesaid quantum of Rs. 20,000/- is acceptable to the Petitioner.

8. With the aforesaid directions, the present petition is disposed of. Pending Applications, if any, stand disposed of.

9. It is made clear that the impugned order is only modified to the extent of quantum of costs imposed upon the Petitioner herein.

MANMEET PRITAM SINGH ARORA, J

AUGUST 24, 2023/rhc/ms

[Click here to check corrigendum, if any](#)

न्यायमेव जयते