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

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Date of decision: May 3, 2023

+ **FAO(OS) (COMM) 333/2022 & CM APPL. 56240/2022**

AMIT JAIN

..... Appellant

**Through: Mr. Sumeet Kaul and Ms. Swechcha
Mishra, Advocates**

versus

CANARA BANK & ORS.

... Respondents

**Through: Mr. Deepak Jain, Mr. K.B. Pradeep,
Ms. Anoushka Singh and Ms.
Twinkle Gupta, Advocates for R-1**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Vide the present appeal, the appellant is seeking setting aside of the impugned order dated 10.11.2022 passed by learned Single Judge in I.A. No.15745/2022 and I.A. No.16168/2022.
2. Appellant is further seeking setting aside of cost of Rs.1 lac imposed upon him vide the aforesaid order dated 10.11.2022.
3. Learned counsel for appellant submits that he presses this appeal qua prayer for setting aside impugned order dated 10.11.2022 only to the extent whereby cost of Rs.1 lac was imposed upon the appellant.
4. In para 15 of order dated 23.09.2022, it was recorded that counsel for the plaintiff therein submitted that advance copy had been served upon the

counsel appearing on behalf of defendant No.1-Bank in the W.P.(C) 13448/2022 as well as on his email-id of the Bank.

5. Learned counsel for respondent No.1/Bank does not dispute the same and submits the copy of notice was served upon email-id of the Bank.

6. In view of submission of learned counsel for respondent No.1, as admitted by him that copy of notice was duly served upon the respondent No.1-Bank, there was no occasion to impose the cost upon the appellant while passing the impugned order.

7. Accordingly, the impugned order dated 10.11.2022 is hereby set aside to the extent that whereby the cost of Rs.1 lac was imposed upon the appellant.

8. With the aforesaid directions, the present appeal is disposed of. Pending application also stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

MAY 3, 2023/rk