



\$~53

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

+ **C.R.P. 109/2024**

NANDLAL

..... Petitioner

Through: Mr. Luqman S. Hasan and Dr.
S.Q. Kazim, Advs.

versus

ANITA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **18.03.2024**

CM APPL. 16487/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 109/2024

3. The petitioner, who is defendant in the suit instituted by the respondent herein, is assailing the impugned order dated 21.02.2024 passed by the learned Additional District Judge-02, South District, Saket Courts, New Delhi¹, whereby on account of non supplying of advance copies of the list of witnesses and affidavit of evidence to the opposite party at least 10 days prior to the date of hearing fixed for his evidence, cost of Rs. 12,000/- had been imposed, which was directed to be deposited with the DLSA², South, Saket.

4. None is present for the respondent despite advance notice.

¹ Trial Court

² Delhi Legal Services Authority



5. Learned counsel for the petitioner has pointed out that initially costs of Rs. 20,000/- was imposed by the Court *vide* order dated 08.02.2024 but on his request on 21.02.2024 the costs were reduced from Rs. 20,000/- to Rs. 12,000/-.

6. It appears that the matter was listed for evidence of the petitioner i.e., the respondent's evidence on 24.11.2023 and then for 08.02.2024. There were clear directions by the learned Trial Court that advance copies of list of witnesses as well as affidavit tendered in evidence be supplied to the opposite counsel/ party in a time bound manner, which order was not complied with and infact no one appeared on 08.02.2024. However, the learned Trial court on 21.02.2024 took a lenient view of the matter and reduced the costs.

7. *Exfacie*, there is no illegality, perversity or incorrect approach adopted by the learned Trial Court in passing the impugned order to check such dilatory tactics on the part of the petitioner. The revision petition is accordingly dismissed.

8. A copy of this order be sent to the learned Trial Court to ensure compliance of the order dated 21.02.2024 and pass appropriate orders as per law if the said costs are not paid.

DHARMESH SHARMA, J.

MARCH 18, 2024/sm