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

+ **C.R.P. 343/2023 & CM APPL. 60669/2023**

ATANU LAHIRI

..... Petitioner

Through: Ms. Sakshi Arora, Adv.

versus

SECRETARY, ALL INDIA CHESS FEDERATION

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

19.02.2024

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1. The petitioner, who is defendant in the suit filed by the respondent/plaintiff assails impugned order dated 22.08.2023 passed by learned ADJ-01, New Delhi District, Patiala House Courts Complex, whereby his application seeking waiver of costs imposed by the Court while setting aside ex parte proceedings against him in terms of his application under Order IX Rule 7 CPC, was dismissed.

2. Evidently, the petitioner had received the summons of the pending suit on 08.03.2022 for putting up appearance on 11.05.2022, but none appeared on his behalf, and accordingly he was proceed ex parte. On the moving of an application under Order IX Rule 13 CPC, which was considered as one under Order IX Rule 7 CPC, the same was allowed subject to payment of costs of Rs.15,000/- vide order dated 10.07.2023.

3. It appears that subsequently on 22.08.2023 an application was



moved for waiver of cost which has been declined.

4. Learned counsel for the petitioner has urged that the matter on 11.05.2022 was listed *vide* item No. 5 and it was called once and the petitioner came to know about the *ex-parte* proceedings against him on 03.11.2022 and then the application was moved for setting aside the *ex-parte* proceedings, which came to be heard on 10.07.2023.

5. First things first, the plea that the case was only called once does not merit any consideration. Furthermore, appearance was not put on 11.05.2022 apparently in order to derail the legal proceedings. Secondly, there is no justifiable reason advanced to the effect that if the notice had been received on 11.05.2022, how come the application under Order IX Rule 7 CPC was moved so belatedly, which again leads to the inference that there was a deliberate attempt on the part of the petitioner in trying to delay the disposal of the pending applications before the learned Trial Court.

6. Hence, this Court finds that the present revision petition is bereft of any merits. Although this revision also merits further imposition of costs for wasting time of this Court, however, no further costs are imposed. The present petition is dismissed.

DHARMESH SHARMA, J.

FEBRUARY 19, 2024/sa