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

% ***Date of decision: 09th September, 2024***

+ CM(M) 3362/2024 & CM APPL. 52457/2024 & CM APPL.

52456/2024

PRANAY JAIN

.....Petitioner

Through:

versus

SHIV KUMAR GANDHI

.....Respondent

Through: Mr. Manish Kumar and Ms. Dolly
Rani, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner is defending a commercial suit and is aggrieved by order dated 20th August, 2024 whereby the written statement was permitted to be taken on record but keeping in mind the delay in re-filing the same, the defendant has been burdened with a cost of Rs.49,500/-, the half of which i.e. Rs.24,750/- is to be paid to the plaintiff and the balance is to be deposited with Advocates' Welfare Fund, Shahdara Bar Association.
2. Learned counsel for the respondents/plaintiff appears on advance notice.
3. The attention of the Court has been drawn towards various previous orders including orders dated 20th May, 2024, 30th May, 2024 and 23rd July, 2024. During course of the consideration, it was brought to the notice of this Court that the written statement was initially e-filed on 3rd June, 2024.



4. The principal amount is stated to be around Rs.5.80 lacs and according to the learned counsel for the defendant/plaintiff, since the suit was filed under Order XXXVII CPC, as per the directions given by the learned Trial Court, a sum of Rs.4 lacs has already been deposited by way of demand draft before learned Trial Court and which amount has already been released in favour of the plaintiff, subject to the outcome of the suit.

5. Learned counsel for the respondent/plaintiff has stated that he would have no objection if the cost is reduced.

6. Keeping in mind the overall facts and circumstances of the case and in view of the concession given by the learned counsel for the plaintiff as well, the present petition is disposed of with the direction that the cost shall stand reduced to Rs.30,000/-, out of which a sum of Rs.15,000/-, would be paid to the plaintiff and the remaining amount i.e. Rs.15,000/- shall be deposited with Advocates' Welfare Fund, Shahadra Bar Association, as already observed by the learned Trial Court. Let the cost be cleared/deposited within one week from today.

7. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 9, 2024/ss