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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CM(M) 356/2018
GAJRAM SINGH (SINCE DECEASED) THR LRSPetitioner

Through: Mr. Vivek Kumar Tandon with
Ms. Perna Tandon, Advocates.

versus

HARI KISHAN (SINCE DECEASED) THR LRSRespondent

Through: Ms. Vishalakshi Goel and Ms. Laxmi
Atri, Advocates for respondent No 1
(through V.C.)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

01.10.2024

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CM APPL. 21022/2024 (filed on behalf of the petitioner seeking extension of time for payment of cost of Rs.15,000/-)

1. This petition was earlier disposed of on 21.03.2024 with the following directions:-

“8. In view of the submissions made and circumstances as put forth before this court and the fact that the defendant's evidence is yet not commenced, in the interest of justice two opportunities are afforded to the petitioner to conclude the entire evidence before the learned Trial Court. It is made clear that no further opportunity than the two dates of hearing which are to be fixed by the learned Trial Court as per its convenience shall be granted. However, to compensate the respondent for the delay being caused, the petitioner is directed to pay cost of Rs. 15,000/- within one week before the learned Trial Court.

9. In view of the directions above, impugned orders dated 03.01.2018 and 05.10.2016 are set aside.

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10. Parties to appear before the learned Trial Court on 04.04.2024. The learned Trial Court is to take into account that as the matter is already old matter therefore should be tried and decided expeditiously.

11. With above observations, the petition stands allowed. Pending application also stands disposed of.”

2. After the above said order, the present application CM APPL.21022/2024 has been moved.
3. The request is two-fold.
4. Firstly, the cost may be reduced keeping in mind the financial handicap of the petitioner. Secondly, fresh dates for the purposes of leading evidence by the petitioner may be given.
5. Learned counsel for the respondent has joined the proceedings through video conferencing.
6. Heard.
7. Keeping in mind the overall facts and circumstances of the case and the alleged poor financial condition of the applicant, the order is modified and cost stands reduced to Rs.10,000/-.
8. The next date before the learned Trial Court is stated to be 24.10.2024.
9. Petitioner, as first opportunity, would lead their evidence before learned Trial Court on said date. It is expected that advance copy of the affidavit is duly supplied to the opposite side so that the cross-examination also takes place, same day. On said date, the petitioner shall also clear the part of the cost i.e. Rs.5,000/-.
10. The date for second and final opportunity for the purposes of leading evidence by the petitioner shall be as per the directions to be



given by the learned Trial court and on such day, the petitioner shall, in the similar manner, lead and conclude its remaining evidence and would also clear the balance cost of Rs.5,000/-.

11. The application stands disposed of in the aforesaid terms.

MANOJ JAIN, J

OCTOBER 1, 2024
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