



2024:DHC:9749-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 1215/2024, CM APPL. Nos.73737-73740/2024

GA DIGITAL WEB WORLD PVT. LTD.Appellant
Through: Mr. Sudhanshu Kathuria and
Ms. Puja Sethi, Advs.

versus

SMT. YASHWANTI & ANR.Respondent
Through: Mr. Ankit Dwivedi, Adv.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

JUDGMENT (ORAL)

% **16.12.2024**

C.HARI SHANKAR, J.

1. The appellant in this appeal is only aggrieved by the direction of the learned Single Judge to the appellant to pay litigation expenses of ₹ 30,000/- to the Respondent 1 workman.
2. We have heard Mr. Kathuria, learned counsel for the appellant at length.
3. Mr. Kathuria's submission – which is also the sole ground of challenge in the appeal – is that the appellant is not the employer of Respondent 1 and that the Labour Court erred in so holding.
4. He submits that the learned Single Judge has directed payment of litigation expenses by his client without examining this aspect.



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5. The principle of payment of litigation expenses is predicated on the requirement of the unsuccessful litigant before the Tribunal, who challenges the order before the High Court and thereby then requires the workman also to contest the proceedings, to provide expenses so that the workman is able to do so. The requirement of paying litigation expenses is not dependent on the merits of the case, as the appellant apparently erroneously seeks to presume. It is a wholesome dispensation crafted to so as to maintain the financial balance between the litigating respondent before the Labour Court or Industrial Tribunal and the successful workman.

6. As of today, there is an order passed by the Labour Court identifying the appellant as the employer of the Respondent 1 workman. That order is under challenge at the instance of the appellant, before the learned Single Judge in WP (C) 3358/2023. That being so, it is the appellant, who alone has to reimburse the litigation expenses to Respondent 1.

7. Mr. Kathuria also sought to submit that, in that event, the payment of litigation expenses may be made subject to the outcome of the writ petition.

8. This submission is also misconceived, as the liability to pay litigation expenses is not dependent on the merits of the case. The merits of the case could be a ground for seeking stay of operation of the judgment of the learned Labour Court. It cannot, however, be a ground to refuse to pay litigation expenses.

9. Even if the appellant were to ultimately succeed in the writ



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petition, the liability to pay the litigation expenses to the workman would not be affected in any way.

10. As such, we see no reason to interfere with the direction of the learned Single Judge to the appellant to pay litigation expenses of ₹ 30,000/-.

11. This appeal, in fact, ought never to have been filed, in the first instance.

12. The appeal is dismissed *in limine*.

C.HARI SHANKAR, J

ANOOP KUMAR MENDIRATTA, J

DECEMBER 16, 2024/VLD

Click here to check corrigendum, if any