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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 08th July, 2025*

+ CM(M) 74/2024 & CM APPL. 31459/2024
JAYADITTA PALIT & ANR.

.....Petitioner

Through: Mr. Shrey Gupta with Mr. Lokesh
Chopra, Advocates.

versus

PRAMOD ANAND THROUGH HIS LEGAL HEIR

.....Respondent

Through: Mr. Ravi Kapoor with Mr. Dhruv
Chawla, Ms. Aditi Singhal, Mr. Pranay
Aggarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners herein are plaintiffs before the learned Trial Court.
2. Petitioners were, earlier, permitted to place on record certified copies of certain documents vide order dated 18.03.2021, subject to cost of Rs. 5,000/-.
3. When the matter was taken up by the learned Trial Court on 08.11.2023, the defendant pointed out that the cost had not been paid and, resultantly, said documents were directed to be taken off the record.
4. Said order is under challenged.
5. When the petition was taken up by this Court on 14.05.2024, the petition was dismissed as withdrawn. An application seeking restoration was filed contending that the petitioners had not pressed the application seeking stay of the proceedings and had merely sought permission to withdraw CM APPL. No. 28566/2024 and that due to some inadvertence and oversight, the entire petition had been dismissed as withdrawn.
6. It is in the aforesaid backdrop that the petitioner has moved application seeking restoration of CM(M) 74/2024.



7. Mr. Kapoor, learned counsel for respondent, submits that, though, no justifiable reason has been assigned for seeking restoration of petition, he, without prejudice to his rights and contentions, leaves it to this Court to pass appropriate order.

8. In view of the facts and circumstances placed on record, the abovesaid petition i.e. CM (M) 74/2024 stands restored to its original position and number.

9. As noted, the plaintiffs were earlier permitted to place on record certified copies of certain documents and were burdened with cost of Rs. 5,000/- . The documents have been taken off the record, on account of non-payment of cost.

10. During course of arguments, learned counsel for petitioners submits that he is ready to pay double the cost, as had been imposed upon them by the learned Trial Court.

11. Mr. Kapoor, learned counsel for respondent submits that he is not interested in cost and let such cost be deposited with any Authority or Body.

12. Keeping in mind the overall facts and circumstances of the case, the petitioner is directed to deposit cost of Rs. 10,000/- with *Delhi State Legal Services Authority* of the concerned District within one week from today, In case the cost is deposited in one week and proof to said effect is placed before the learned Trial Court, the documents, which were allowed to be taken on record on 18.03.2021, would be deemed to be on record.

13. The petition stands disposed of in aforesaid terms.

14. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 8, 2025/sw/JS