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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 956/2025, CM APPL. 31320-31321/2025**
MUKESH KUMARPetitioner

Through: Mr. Soibal Gupta with Mr. Himanshu
Swami, Advocates.

versus

INDIAN BANKRespondent
Through: Mr. Satyam Khare, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **21.05.2025**

1. Petitioner herein is defendant No. 2 before the learned Trial Court.
2. While participating in the suit, the defendant No.2 also moved an application under Order VII Rule 11 (d) CPC.
3. The prime grievance from the side of the defendant No.2 was to the effect that there was no compliance of mandatory provision contained under Section 12 (A) of Commercial Courts Act, 2015.
4. After evaluating the contentions made by the respective parties, while dismissing the abovesaid application, the Court has also burdened the petitioner with a cost of Rs. 25,000/-
5. Learned counsel for petitioner submits that since the petitioner herein had never received any notice from the concerned District Legal Services Authority (DLSA) with respect to pre-institution mediation, he moved an application and had merely availed his available legal remedy and even if the Court was not inclined to allow his application, the petitioner could not have been burdened with such exemplary cost, without there being any reason to that effect.

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6. During course of arguments, learned counsel for petitioner submits that as per instruction, he would not challenge the dismissal of his application filed under Order VII Rule 11 CPC. He, merely, confines his request to the waiver of the cost.
7. Learned counsel for respondent/plaintiff Bank has also joined the proceedings through video conferencing.
8. After hearing arguments, on the above said limited aspect, the present petition is disposed of as not pressed and, simultaneously, the abovesaid cost of Rs. 25,000/- , imposed upon defendant No.2, is directed to be waived.
9. Petition stands disposed of in aforesaid terms.
10. Pending applications also stand disposed of.

MANOJ JAIN, J

MAY 21, 2025/sw/PB