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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1116/2025 & CM APPL. 37911-37912/2025**
SMT. RAGINIPetitioner

Through: Mr. Lalit Kumar, Advocate

versus

SMT MADHULIKA GOEL & ORS.Respondent
Through: Mr. Mohd Zahid, Ms. Mukul Kumar
and Ms. Hemlata, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **29.08.2025**

1. Petitioner herein had filed a suit for specific performance.
2. Such suit was earlier *dismissed-in-default* and, though, it was restored subsequently but the plaintiff was also burdened with cost of Rs. 30,000/-.
3. Plaintiff sought waiver of the cost but such application was dismissed by the learned Trial Court *vide* order dated 20.03.2025 and challenging the imposition of cost, the present petition has been filed.
4. Petition was taken up by this Court on 03.07.2025 when notice was directed to be issued.
5. Fact, however, remains that learned counsel for the petitioner submits that prior to the date when this matter was taken up by this Court on 03.07.2025, the learned Trial Court had already taken up the matter on 28.05.2025 and dismissed the suit on account of non-payment of cost.
6. In view of the above, the present petition has become infructuous.
7. Petitioner, who is plaintiff before the learned Trial Court, should have

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rather kept the track of the matter of his own suit and should have apprised this Court about the aforesaid development dated 28.05.2025 when this Court had taken up the matter on 03.07.2025.

8. Be that as it may, in view of the fact that the suit has already been dismissed on 28.05.2025, the present petition is disposed of as having become infructuous.

9. All rights and contentions of the parties are, however, reserved.

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

MANOJ JAIN, J

AUGUST 29, 2025/dr/js