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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 22nd May, 2025***

+ **CM(M) 2897/2024 & CM APPL. 38467/2024**

SANTOSH SHARMA & ANR.

.....Petitioners

Through: Mr. Venkatesh Rajput with Mr. Nepal
Siingh and Mr. Nitesh Shrivastav,
Advocates.

versus

RITA TIWARI

.....Respondent

Through: Mr. R.N. Dubey, Advocate
(through V.C.)
Respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The issue in the present petition is, primarily, with respect to the quantum of the cost.
2. The petitioners are defending a civil suit and despite the fact that they did not file the written statement within the given time, though, the learned Trial Court permitted them to file the written statement belatedly, they were also imposed cost of Rs.25,000/-.
3. It is submitted that on account of the present financial condition of the petitioners, they are unable to bear such cost which, according to them, is exorbitant.
4. During course of the arguments, it was also apprised that since without clearing the cost, they were not in a position to submit the written statement physically before the learned Trial Court, the written statement was, eventually, submitted through *e-filing* module on 26.04.2025.



5. Two copies of such written statement have also been produced. One copy of such written statement has been provided to the respondent, who appears in person, and another such copy has been retained in record.
6. Normally, Supervisory Court, while invoking powers under Article 227 of the Constitution of India, does not interfere with the quantum or imposition of cost, but keeping in mind overall facts of the case and in order to ensure that there is no further delay in the on-going suit, the cost is reduced from Rs.25,000/- to Rs.15,000/-.
7. Let such amount of Rs.15,000/- be, instead, paid to the plaintiff on the next date of hearing before the learned Trial Court, which is stated to be 02.07.2025.
8. Since the written statement has now been directed to be taken on record, the plaintiff would be at liberty to file replication, if any, within four weeks from today, with advance copy to the opposite side.
9. It is, however, made clear to the petitioners/defendants that they would render due assistance and cooperation to the learned Trial Court in future and would not try to delay the proceedings of the suit and would not avoid appearing before the learned Trial Court, unless there is a compelling reason in this regard.
10. The petition stands disposed of in aforesaid terms.
11. Pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

MAY 22, 2025/st/js