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

+ LPA 420/2025

THE DIVISIONAL SECRETARY THROUGH RAJENDRA

PRASAD SHARMAAppellant

Through: Mr. Ishaan Seth, Adv.

Versus

THE DIVISIONAL RAILWAY MANAGER & ANR.

.....Respondents

Through: Mr. Subhash Tanwar, CGSC
with Mr. Naveen & Mr. Bhavi
Garg, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **07.07.2025**

CM APPL. 38867/2025 (Exemption)

1. Allowed, subject to all just exceptions.

LPA 420/2025 & CM APPL. 38866/2025 (Stay)

2. This appeal has been filed challenging the Order dated 13.05.2025 passed by the learned Single Judge of this Court in CM APPL. No. 28855/2025 in W.P.(C) No. 32/2019 titled ***The Divisional Railway Manager & Anr. v. The Divisional Secretary***, whereby, while the delay in filing of the counter-affidavit has been condoned, the appellant has been directed to pay a cost of Rs. 20,000/- for the delay.



3. The learned counsel for the appellant submits that the entire subject matter of dispute before the learned Single Judge of this Court is of Rs. 30,000/-.

4. He further submits that along with the application seeking condonation of delay, a copy of the counter-affidavit that had been earlier filed in the month of February, 2024, was also attached.

5. Issue Notice.

6. Notice is accepted by Mr. Subhash Tanwar, the learned CGSC on behalf of the respondents.

7. He submits that a considerable delay in the adjudication of the writ petition has been caused due to the conduct of the appellant in not bringing on record the counter-affidavit. He, therefore, prays that the cost imposed by the learned Single Judge be not interfered with.

8. We have considered the submissions made by the learned counsels for the parties.

9. We have been persuaded by the fact that the entire subject matter of the dispute before the learned Single Judge of this Court is of Rs. 30,000/- and the counter-affidavit, though filed in February 2024, could not be brought on record due to some delay in filing, for which the appellant had moved an application seeking condonation of delay. It is also observed that the learned Single Judge by the Impugned Order, in the interest of justice, has also condoned the said delay.

10. In the peculiar facts of the present case and directing that the present order be not treated as a precedent, the cost imposed by the learned Single Judge is hereby waived off, and, the Impugned Order,



in so far as it imposes cost on the appellant is hereby, set aside.

11. Accordingly, the present appeal along with pending application is allowed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 7, 2025/pr/sm/ik

Click here to check corrigendum, if any