



2025:DHC:1845



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 20th March, 2025+ CM(M) 3905/2024
SAURABH JAIN

.....Petitioner

Through: Mr. Taranjeet Singh with Mr.
Manpreet Singh, Advocates.

versus

MUKESH CHAND SINGHAL

.....Respondent

Through: Dr. Monisha, Advocate along with
respondent.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is defending a commercial suit as defendant No. 2 and there was some delay in filing the written statement.
2. Learned Commercial Court, while condoning the delay, burdened defendant No.2 with a cost of Rs. 50,000/- vide order dated 20.09.2024.
3. Petitioner i.e. Defendant No. 2 also moved an application seeking waiver of the cost. However, such application was also dismissed by the Court *vide* order dated 14.10.2024 and there was also a direction that his defence be struck off.
4. Such orders are under challenge before this Court.
5. It may be highlighted that, when this matter was taken up by the learned Predecessor Bench on 25.11.2024, the Court had merely issued notice.



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6. However, when the matter was taken up by the learned Trial Court on 28.11.2024, in order to ensure that there is no unnecessary delay in the matter, learned Trial Court, subject to any order passed by this Court in the present petition, permitted defendant No.2 to rely upon his written statement and also permitted him to lead evidence in defence.

7. So much so, both the sides have already completed their respective evidence and the matter is now fixed for final arguments.

8. In view of the above said peculiar situation and the fact that the supervisory powers should not be invoked merely for the purposes of waiver or reduction of cost, which does not even seem to be unconscionable in the case in hand, the present petition is, hereby, dismissed.

9. Let the cost of Rs. 50,000/- be paid to plaintiff on the next date of hearing. In case, such cost is paid, the written statement shall be deemed to be on record and the defence shall also be read. Else, the adverse consequences, as per impugned orders, would follow.

(MANOJ JAIN)
JUDGE

MARCH 20, 2025/sw/SS