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

\# **CNR No. DLHC010490202026**

\+ CM(M) 2262/2026 & CM APPL. 70516/2026

AVINASH JAGGI .....Petitioner

Through: Mr. Sauraj Yadav, Ms. Pratibha Yadav and Mr. Bhaskar Yadav, Advocates

versus

ANIL ARORA .....Respondent

Through: *Nemo*

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

O R D E R

% 09.10.2026

CM APPL. 70515/2026 *(Exemption)*

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

CM(M) 2262/2026

3. Through the present petition, the petitioner/defendant seeks to set aside the order dated 13.07.2026, passed by the learned District Judge-08, Central District, Tis Hazari Courts, Delhi, in CS DJ 1036/2023, titled *"Shri Anil Arora v. Shri Avinash Jaggi".*

4. Succinctly put, in 2023 the respondent/plaintiff instituted the underlying recovery suit against the petitioner. During the course of the

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proceedings, the petitioner moved an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC") seeking setting aside a previous order dated 22.09.2025, whereby the opportunity of the petitioner to cross-examine PW-1 was closed due to the unavailability of the learned counsel for the petitioner on that date.

5. Subsequently, the learned Trial Court *vide* impugned order dated 13.07.2026 allowed the aforesaid application of the petitioner subject to payment of cost of Rs.20,000/-. Assailing the impugned order to the extent of the imposition of cost, the petitioner has preferred the present petition.

6. The learned counsel for the petitioner submits that on 22.09.2025, the learned counsel for the petitioner was engaged in multiple matters pending before other Courts and solely due to this reason, he could not appear before the learned Trial Court till about 12:35 PM, by which time the opportunity of the petitioner to cross-examine PW-1 was already closed. In support of the aforesaid contention, attention is drawn to *Annexure P-6*, whereby order sheets of the other matters have been annexed.

7. It is further submitted that even though the petitioner herein suffers from acute financial distress, the petitioner still tendered the cost of Rs. 20,000/- to demonstrate his *bona fides*.

8. After perusing the record and hearing the submissions of the learned counsel for the petitioner at length, this Court is of the considered view that the ends of justice would be met if the cost imposed on the petitioner is reduced.

9. Accordingly, this Court deems it appropriate to reduce the cost imposed on the petitioner from Rs. 20,000/- to Rs. 5,000/-. The petitioner is at liberty to move an appropriate application before the learned Trial Court

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seeking a refund of the balance amount already paid, within a period of one week from today.

10. It is clarified that this Court has not appreciated the merits of the underlying dispute.

11. As nothing further survives for adjudication in the present petition, the present petition along with pending applications, if any, stands disposed of.

AJAY DIGPAUL, J

OCTOBER 9, 2026
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