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

% ***Date of Decision: 1st April, 2025***

+ CM(M) 585/2025 & CM APPL. 18564/2025
R K NAGPAL

.....Petitioner

Through: Mr. Kashish Dhawan, Advocate.

versus

PRIYA ARORA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner has filed a suit which is commercial in nature.
2. The grievance in the present petition is, merely, with respect to the imposition of cost.
3. The impugned order and previous order sheets would indicate that despite there being directions by the learned Commercial Court, the steps were not taken for the purposes of summoning the opposite side and for showing laxity, the cost was, earlier also, imposed upon the plaintiff. Instead of depositing the cost, the plaintiff moved an application seeking its waiver.
4. Dismissal of such application is under challenge.
5. Needless to say, in terms of Order IX Rule 2 CPC, if the steps are not taken with respect to issuance of process, a suit can, even, entail dismissal.
6. Since the suit is of year 2021, even otherwise, the plaintiff should have been careful in taking all the steps, as directed by the learned Trial Court.



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7. Power under Article 227 of Constitution of India needs to be invoked only where there is element of perversity and illegality. The order of kind in question, which merely deals with imposition of cost, does not necessitate invocation of such supervisory powers.

8. The petition, along with pending application is dismissed.

(MANOJ JAIN)
JUDGE

APRIL 1, 2025/ss/js