



2025:DHC:6479



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 04th August, 2025*

+ CM(M) 1440/2025 & CM APPL. 47387/2025

M/S TULLIO GIUSI SRL

.....Petitioner

Through: Mr. T.P.S. Kang & Mr. Md. Zunaid,
Advs.

versus

GLOSSY BUTTONS PVT. LTD

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is plaintiff before learned Trial Court and has filed a suit which is commercial in nature.
2. During pendency of the suit, plaintiff moved an application under Order XI Rule 1(5) CPC. Though application was allowed but simultaneously, plaintiff was burdened with cost of Rs.3 lacs for causing delay in the trial. There is direction that such cost be deposited with Delhi Legal Services Authority, Central District.
3. Present petition merely challenges the abovesaid quantum of cost, which according to petitioner, is not only highly excessive but unconscionable.
4. However, when asked, learned counsel for petitioner submitted that the present petition has been filed directly before this Court, without filing any application, seeking waiver of cost, before the learned Trial Court.



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5. Present petition is disposed of with the liberty to petitioner to move appropriate application seeking waiver/reduction of abovesaid cost of Rs.3 lacs and it is expected that as and when any such application is filed, learned Trial Court, after taking due consideration of the facts and after giving due opportunity of hearing to both sides, shall dispose of the same in accordance with law.
6. Needless to say, if the cost is not waived of or substantially reduced, petitioner would be at liberty to file petition afresh before this Court.
7. Pending applications, if any, also stand disposed of.

(MANOJ JAIN)
JUDGE

AUGUST 4, 2025/ck/shs