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

% **Date of Decision: 19th May, 2025**

+ CM(M) 189/2025

TINKU GUPTA

.....Petitioner

Through: Mr. Aman Batra, Advocate.
(through V.C.)

versus

NARENDER KUMAR GUPTA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM(M) 189/2025 & CM APPL. 30359/2025 (early hearing)

1. Petitioner is defending a suit which is summary in nature and while deciding the application seeking leave to defend filed by the defendant, the learned Trial Court directed him to deposit 25% of the amount within one month.
2. The defendant did not take any step to deposit the abovesaid amount for a period of around four months and during further pendency of the suit, he moved an application before the learned Trial Court under Section 151 CPC, mentioning therein that he did not have any regular source of income. Learned Trial Court, however, granted him one month's more time to deposit the amount and also burdened him with cost of Rs.10,000/-.
3. The defendant has now challenged the earlier order dated 06.08.2024 whereby the abovesaid conditional leave to defend was granted to him.
4. After hearing arguments for some time, learned counsel for the petitioner (defendant before the learned Trial Court), without prejudice to his rights and contentions, does not press the present petition. He, however,



submits that keeping in mind the financial condition of the petitioner/defendant, the cost, which had been imposed upon the defendant by the learned Trial Court on 04.12.2024, may be waived and some time be granted to comply with the directions in question.

5. None appears from the side of respondent/plaintiff, despite advance notice.

6. However, since a very short point is involved and since learned counsel for the petitioner submits that defendant would comply with the directions given by the learned Trial Court, the petition is disposed of with direction to defendant to deposit the amount, in terms of order dated 06.08.2024, within one month from today before the learned Trial Court. In case the abovesaid amount is deposited by the petitioner herein within one month from today, the cost, which was imposed upon him *vide* order dated 04.12.2024, shall stand waived.

7. It is, however, also made clear that the petitioner would not be entitled to take benefit of the intervening summer vacation and would ensure that the amount is deposited within a period of one month to be reckoned from today.

8. The petition stands disposed of in aforesaid terms.

9. Pending applications also stand disposed of accordingly.

10. The next date of 27.08.2025 stands cancelled.

11. Copy of the order be sent to learned Trial Court by Registry for information.

(MANOJ JAIN)
JUDGE

MAY 19, 2025
st/js