



2026:DHC:2482



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

Date of Decision: 24th March, 2026

+ CM(M) 989/2022, CM APPL. 41212/2022 & CM APPL. 41213/2022

NARENDER KUMAR JAINPetitioner

Through: Mr. Atul Gupta, Advocate.

versus

PAWAN KUMAR JAINRespondent

Through: Mr. Siddharth Aggarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed under Article 227 of the Constitution of India, 1950, assailing the order dated 03rd August, 2022, passed by the learned Trial Court in CS DJ 17832/16, whereby the application filed by the petitioner/defendant seeking waiver of the costs of Rs. 50,000/- imposed upon the defendant has been dismissed, and the subsequent order dated 07th September, 2022, whereby the defence of the petitioner/defendant has been struck off.
3. During the course of arguments, learned counsel for the respondent submits that the respondent is willing to accept the costs of Rs.50,000/-, as imposed upon the petitioner *vide* order dated 29th March, 2022 and subject to that payment, the respondent has no objection if the order whereby the defence of the petitioner has been struck off is set aside. Learned counsel for the respondent further submits that this Court may form an opinion with



regard to the quantum of cost as imposed upon the petitioner.

4. In response to the aforesaid submission, learned counsel for the petitioner submits that some leniency may be shown to the petitioner and the costs imposed may be reduced, as the petitioner has already suffered a lot.

5. Learned counsel for the petitioner has argued that the order dated 29th March, 2022 has been challenged in C.R.P. 1492/2022 and has been disposed on 13th May, 2025. Copy of the same has been taken on record. The relevant portion of the order dated 13th May, 2025 reads as follows:

“5. The Petitioner is permitted to agitate his contentions which were set out in the Applications under Order VII Rule 11 of the CPC, albeit in accordance with law before the learned Trial Court.

6. This order is being passed without prejudice to the rights and contentions of both the parties.

7. The Petition is disposed of in the foregoing terms. The pending Applications also stands closed.”

6. Keeping in view these submissions and the circumstances of the case, the cost of Rs.50,000/- as imposed on the petitioner is reduced to Rs.40,000/- and the same shall be paid to the respondent on 24th April, 2026 in the trial court. Subject to the payment of the aforesaid costs, the order striking off the defence of the petitioner is set aside. Accordingly, the present petition is disposed of on the above terms. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

MARCH 24, 2026/v/isk