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

+ C.R.P. 34/2025

SANJAY GOEL

.....Petitioner

Through: Mr. Mayank Wadhwa, Mr.
Shorya Goel, Ms. Muskan
Gupta, Ms. Yukti, Ms.
Srishti Raichandani,
Advocates.

versus

SAG INFRASTRUCTURE PVT LTD
& ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

31.01.2025

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CM APPL. 6096/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 34/2025 & CM APPL. 6097/2025

3. By way of this petition, the petitioner challenges the order dated 17.09.2024 (hereafter '**impugned order**'), passed by the learned District Judge, South District, Saket Courts, New Delhi, in CS DJ 346/2022, whereby the multiple applications filed by petitioner/defendant in the suit were decided and a cost of ₹15,000/- was imposed on the petitioner.

4. At the outset, the learned counsel for the petitioner submits that he is confining the present petition to the limited extent that the cost should not have been imposed by the learned District Judge while disposing of the applications filed by the petitioner/defendant.



5. By the impugned order, the learned District Judge disposed of multiple applications filed by the petitioner/defendant. The cost was imposed by observing that the applications filed by the petitioner were superfluous and cosmetic in nature.

6. It is apparent that the application under Order VIII Rule 1 of the Code of Civil Procedure, 1908 was allowed and liberty was granted to the petitioner/defendant to produce the concerned documents during the evidence.

7. The application seeking framing of additional issues was dismissed noting that issue no.1 framed by the predecessor Court also covers the additional issue which was sought to be framed by the petitioner/defendant. The learned District Judge also clarified that when the suit is finally decided, all the contentions raised would be taken into consideration.

8. The application pointing out the irregularity while recording of evidence by the learned Local Commissioner was rejected by observing that the same suffered from no illegality.

9. It is therefore apparent that the applications filed by the petitioner cannot be termed as superfluous.

10. In view of the above, the present petition is allowed only to the extent of prayer (b) in the petition and consequently, the direction to deposit the cost of Rs.15,000/- is set aside.

11. The petition stands disposed of along with pending application.

AMIT MAHAJAN, J

JANUARY 31, 2025

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