

CS 139/23  
GITA DATTA AND ANR Vs. SAMEER MAZUMDAR

01.04.2025

Present: Ld. counsel for plaintiff.  
Ld. counsel for defendant with defendant.

AND

CS 258/23  
GITA DATTA Vs. SAMEER MAZUMDAR

Present: Ld. counsel for counter claimant with counter claimant.  
Ld. counsel for respondent.  
Both the suits have been consolidated as one vide order dated  
18.09.2024.

Two separate applications moved by counsel for Sameer Mazumdar (defendant in suit no.139/23 and counter claimant in suit no. 258/23) seeking waiver of cost on the ground that the counsel for the applicant had appeared in the court at 12:25 PM on last date and despite that cost was imposed. The same is opposed by counsel for the other side who argues that despite matter being called 2-3 times on last date and she waiting since morning, counsel for the applicant never appeared for arguing the pending applications and thus, she prays for dismissal of applications.

At least two dates have gone by to allow counsel for applicant to address arguments on pending applications and only because counsel for the applicant subsequently appeared after the matter is adjourned shall not mean that the cost imposed should be waived. Thus, there is no merit in the applications. Both the applications are dismissed.

Counsel for applicant seeks time to pay cost.

List for payment of cost on 02.04.2025.

AASHISH GUPTA  
DJ-01/NE/KKD/DELHI  
01.04.2025