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

+ CM(M) 599/2023

MAPS CREATION PRIVATE LIMITED Petitioner

Through: Mr. Kaushik Chatterjee, Advocate
with Ms. Samridhi, Advocate.

versus

M/S ENGLISH PREMIUM & ORS. Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

10.11.2023

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[The proceeding has been conducted through Hybrid mode]

CM APPL.57658/2023 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

CM APPL.57657/2023 (under Section 151 CPC for acceptance of apology tendered/expressed by the petitioner)

3. By way of the present application, the petitioner/applicant prays as under:-

(a) Accept the unconditional apology tendered/expressed by the Applicants herein for failing to disclose the order dated 19.04.2023 to the Hon'ble District Judge, Commercial-3, Shahdara, Karkardooma Courts, Delhi on 25.04.2023 on the grounds stated hereinabove;

(b) Dispose of the Show Cause Notices dated 02.05.2023 issued to the Applicants by the Hon'ble District Judge,



Commercial-3, Shahdara, Karkardooma Courts, Delhi;

(c) Such further order or orders be passed and direction or directions be given, as this Hon'ble Court deems appropriate in the interest of justice.”

4. The present applications was necessitated on the fact that despite this Court having passed the order dated 19.04.2023 granting *ex-parte* stay in favour of the petitioner, the said order was not placed before the learned District Judge Commercial-3, District Shahdara, Karkardooma Courts, Delhi on 25.04.2023 when the matter was listed for final arguments before the aforesaid learned District Judge.

5. Subsequently, it transpired that when the learned counsel/applicants who were appearing in another matter before the same District Judge, they were informed that the said order passed by this Court on 19.04.2023 was placed before it on record. The Learned District Judge thought it fit to issue Show Cause Notices as non-disclosure of the order dated 19.04.2023, in the eyes of the learned District Judge was a serious issue. In pursuance thereof, the learned District Judge had issued Show Cause Notices to the applicants/learned counsels, to which the applicants had given a reply expressing their unconditional apology.

6. After considering the reply, the learned District Judge was of the considered opinion that the unconditional apology would be subject to the directions to be issued by this Court.

7. Accordingly, the applicants had filed the application bearing CM APPL.44353/2023 seeking unconditional apology from this



Court. The same was withdrawn to file an application giving better particulars with the supporting affidavit.

8. In the aforesaid background, the present application has been now filed before this Court.

9. This Court has considered the submissions made by the applicants and has also taken into account their unconditional apology.

10. The applicants are young Advocates who are at the nascent age of their practice and are stated to be first generation lawyers. It appears that the error was *bona fide* inasmuch as, no benefit would have accrued to them or their clients by concealing the said order. However, the mistake is definitely a serious one since order of the higher Court ought to have been necessarily communicated to the Court upon which the said order would have been binding.

11. Be that as it may, this Court takes lenient view of the error committed and in the considered opinion of this Court, it would be benevolent to accept the unconditional apology tendered by the applicants. This Court is of the considered opinion also that the said apology is genuine and without any malice and is accepted as such.

12. This Court has been given to understand that in pursuance of the orders passed by the learned District Judge, the learned District Judge vide order dated 01.11.2023 has imposed costs of Rs.20,000/- personally upon the applicants.



13. For the reasons stated above and having regard to the fact that this Court has accepted their unconditional apology, it would be in fairness of things to set aside the order imposing costs and accept their unconditional apology in lieu thereof.

14. Application is disposed of in above terms.

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15. List the matter before the Roster Bench on 11.12.2023, the date already fixed.

TUSHAR RAO GEDELA, J

NOVEMBER 10, 2023/vk