



“बेटी बचाओ, बेटी पढ़ाओ” JAYOTI VIDYAPEETH WOMEN'S UNIVERSITY, JAIPUR

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NAAC Accredited University

### **Faculty of Law and Governance**

**Faculty Name-** Ms. Tripti Negi

**Program-** BA LLB, LLB, Semester 6<sup>th</sup>

**Course Name-** Civil Procedure Code

Session No.& Name – 2023-2024

Academic Day starts with –

Greeting with saying ‘Namaste’ by joining Hands together following by 2-3 Minutes Happy session, Celebrating birthday of any student of respective class and National Anthem.

Lecture Starts with-

Review of previous Session

National song’ VandeMataram’

Subject Name – Civil Procedure Code

Topic – Cost

## **Introduction:**

Cost under the Civil Procedure Code (CPC) refers to the expenses incurred during the legal proceedings, which may include court fees, legal fees, and other related expenses. This note aims to provide a comprehensive understanding of cost under the CPC, exploring its principles, application in legal proceedings, and implications for litigants.

## **Principles of Cost under the CPC:**

1. Principle of Fairness: The primary principle governing the award of costs under the CPC is fairness. Courts aim to ensure that the party who succeeds in the litigation is not unfairly burdened with the expenses incurred during the legal process.

2. Discretion of the Court: The CPC grants courts discretion to award costs based on various factors, including the conduct of the parties, the complexity of the case, and the outcome of the litigation. Courts have the authority to determine the quantum of costs awarded, taking into account the circumstances of each case.

3. Costs Follow the Event: The general rule under the CPC is that costs follow the event, meaning that the successful party is entitled to recover costs from the unsuccessful party. This principle encourages parties to litigate in good faith and discourages frivolous or vexatious litigation.

4. Indemnity Principle: The indemnity principle states that the costs awarded should indemnify the successful party for the expenses reasonably incurred in the litigation. Courts may consider factors such as legal fees, court fees, travel expenses, and other reasonable costs in determining the quantum of costs awarded.

## **Application of Cost under the CPC:**

1. Cost as a Discretionary Relief: Courts may award costs as a discretionary relief in civil proceedings. The court considers various factors, including the conduct of the parties, the merits of the case, and the equities involved, in determining whether to award costs and the quantum thereof.

2. **Taxation of Costs:** In some jurisdictions, costs are taxed or assessed by the court to determine the reasonableness and necessity of the expenses claimed by the successful party. Taxation of costs ensures transparency and fairness in the award of costs and prevents parties from seeking excessive or unreasonable costs.

3. **Costs in Interlocutory Proceedings:** Courts may award costs in interlocutory proceedings, including applications for interim relief, discovery, and other pre-trial matters. The costs awarded in interlocutory proceedings are often subject to the final determination of costs at the conclusion of the litigation.

4. **Costs in Appeals:** Costs may also be awarded in appellate proceedings, where the appellate court has discretion to award costs to the successful party. The costs awarded in appeals may include both the costs incurred in the appellate proceedings and the costs incurred in the court below.

### **Implications of Cost under the CPC:**

1. **Deterrent to Frivolous Litigation:** The prospect of being liable for costs acts as a deterrent to frivolous or vexatious litigation. Parties are less likely to pursue meritless claims or engage in dilatory tactics if they risk being ordered to pay costs to the opposing party.

2. **Access to Justice:** While costs play a vital role in promoting fairness and accountability in the legal system, excessive costs may also act as a barrier to access to justice. High costs of litigation may deter individuals with limited financial resources from pursuing legitimate claims or defending their rights in court.

3. **Settlement Considerations:** The potential liability for costs often influences settlement negotiations between parties. Parties may be more inclined to settle disputes out of court to avoid the uncertainty and expense of litigation, particularly if they perceive the costs of proceeding to trial to outweigh the potential benefits.

4. **Enforcement of Costs Orders:** Courts have mechanisms for enforcing costs orders, including judgments for costs and orders for security for costs. Enforcement of costs orders ensures compliance with court orders and promotes the finality of litigation outcomes.

## **Conclusion**

Cost under the Civil Procedure Code is an essential aspect of the legal process, serving to promote fairness, accountability, and access to justice. Understanding the principles, application, and implications of cost is crucial for litigants, legal practitioners, and courts alike. By ensuring transparency, reasonableness, and proportionality in the award of costs, the legal system can uphold the principles of fairness and equity in civil proceedings.