

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.266 of 2010

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Birendra Mahaseth & Ors.		Petitioner/s
Versus		
AJAY KUMAR KAMAT & ORS		Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kuamr Srivastva
Mr. Bhubneshwar Prasad

For the Respondent/s : Mr. Null

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

16 21-09-2015

Heard the learned counsel for the parties.

The interlocutory application (I.A.No.6842/2015)

has been filed on behalf of the petitioners praying for extension of time granted by order dated 04.05.2015 for depositing the amount of cost in the learned court below.

By order dated 04.05.2015 the revision application was dismissed with direction to the opposite parties to deposit the total cost of Rs.10,000/-within a period of one month from the date of the said order and the said payment of cost was made precondition for further hearing of the suit. It appears that the opposite parties filed a petition on 10.07.2015 in the court below praying for depositing the balance amount of Rs.7,000/- as the amount of Rs.3,000/-had already been deposited. The learned court below by order dated 27.07.2015 (Annexure-D to the interlocutory application) has refused to accept the said deposit and directed the opposite party-applicants to obtain a modified

direction.

The learned counsel for the opposite party-applicants in I.A.No.6842/2015 has submitted that the applicant Sampat Lal Kamat had met an accident on 13.05.2015 and therefore the delay in depositing cost amount. The learned counsel has also pointed out that the medical prescription which has been annexed as Annexure-C to the interlocutory application support the fact of accident met by the applicant.

The learned counsel for the opposite party has opposed the prayer.

Considering the averments made in the interlocutory application and the submissions made on behalf of the parties, the prayer on behalf of the opposite party-applicants is accepted and the court below is directed to accept the deposit of the cost, and the time for depositing the cost amount is extended by one week from the date of receipt/production of a copy of this order in the court below by either party with prior notice to the other side.

The interlocutory application is disposed of with aforesaid direction.

(V. Nath, J)

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