

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
LETTERS PATENT APPEAL NO.122 OF 2012

Mohindersing Kanhayyasing Sodhi

Appellant

Versus

Dattatraya Trimbak Bekarase
and another

Respondents

Mr.N.V.Gaware, advocate holding for Mr.S.S.Kotkar, advocate for the appellant.

**CORAM : R.M.BORDE &
SUNIL P. DESHMUKH, JJ.
DATE : 12th February, 2015**

PER COURT:

1 Heard. Perused the order passed by the learned Single Judge in Writ Petition No.3774 of 2011 decided on 24.11.2011. The proceedings were initiated by the employer after lapse of more than 14 years from the date of declaration of award.

2 The learned Single Judge has observed in the order that the appellant/petitioner in writ petition is a contractor by profession and presentation of writ petition, after lapse of period of fourteen years, in the circumstances when the petitioner/appellant himself was party to the proceedings in Reference (IDA) No.77/1989 and that he had presented written statement in the proceedings and opposed the contentions of the employee, amounts to abuse of process of law. The learned Single Judge, as such, proceeded to impose cost of Rs.25,000/- on the appellant, petitioner in the writ petition.

3 The appellant has again crossed a step further and raised challenge to the order passed by the learned Single Judge. We, in fact, proposed to enhance the amount of costs. Since the learned Counsel appearing for the appellant has informed that there is some change in circumstances and the employee has been paid some amount, we decided not to direct enhancement in amount of cost. Letters Patent Appeal is devoid of substance.

4 Hence, Letters Patent Appeal stands dismissed. Pending Civil Applications do not survive and stand disposed of.

SUNIL P. DESHMUKH
JUDGE

R.M.BORDE
JUDGE

adb/lpa12212