

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10704 OF 2014

Meena Motiram Gaikar

.. Petitioner

vs.

Bharat Petroleum Corporation Limited
and anr.

.. Respondents

None for the Petitioner.

Mr. S.R. Page for Respondent No.1.

CORAM : M. S. SONAK, J.

DATE : 4 MARCH, 2015

P.C. :-

1] This petition is directed against the order dated 2 September 2013, by which the Estate Officer of respondent No.1 has imposed costs of Rs.20,000/- upon the petitioner in delaying the matter seeking the petitioner's eviction.

2] Although neither the petitioner nor her advocate is present, the record would reveal that the premises in-question, in which, the petitioner is alleged to be an unauthorised occupant, is basically a Tea Stall/ Dhaba. The petitioner is stated to be 60 years of age. Further, learned counsel for the respondent-BPCL confirms that the petitioner has already led her evidence on the issue of limitation and the matter is now posted for orders upon this preliminary issue.

3] Taking into consideration all the aforesaid circumstances, the impugned order is modified and the amount of costs are reduced from Rs.20,000/- to Rs.5,000/-.

4] Rule is made absolute to the aforesaid extent. Since the petitioner, without prejudice to her rights, has already paid the amount of costs, the respondent-BPCL is directed to refund the balance amount of Rs.15,000/- to the petitioner within a period of one month from today.

5] Accordingly, petition is disposed of.

(M. S. SONAK, J.)

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