

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, AT NAGPUR.**

**CIVIL APPLICATION NO.2227 OF 2015**

**IN**

**WRIT PETITION NO.6785 OF 2014 (D)**

(Datta Narayan Chowke and others ..vs.. Dhondu s/o Punjaji Jhate and others)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

**CORAM : Z.A. HAQ, J.**

**DATED : 04-12-2015**

The original petitioners have filed this application praying that time to pay the costs of Rs.1,000/- to the respondents as directed by this Court in the judgment given in Writ Petition No.6785/2015 on 15-04-2015 be extended.

Dr. Mrs. R.S. Sirpurkar, learned Advocate for the respondents has pointed out paragraph No.8 of the above judgment which reads as follows :

*“8. The writ petition is dismissed with costs quantified at Rs.1,000/- to be paid by the petitioners to the respondents within one month. On failure to pay the amount of costs, the learned trial Judge shall pass appropriate orders considering it to be non-compliance of the directions of this Court.”*

The learned Advocate has further pointed out that as the costs were not paid within one month, the respondents filed an application dated 28-05-2015 before

the trial Court praying that the defence of the petitioners/original defendants be struck off for non-compliance of the directions of this Court. It is stated that the amount of costs has been sent to the respondents by money order on 02-06-2015. The receipts show that the petitioners have paid the costs only after the application praying for striking of defence came to be filed by the respondents. This civil application has been sworn on 25-10-2015 and is filed thereafter. I find that there are no *bonafides* on the part of the applicants/original petitioners. Shri C.A. Joshi, learned Advocate for the applicants/original petitioners has stated that the original petitioners will pay additional costs of Rs.1,000/- to each of the respondents. The submission made on behalf of the original petitioners is accepted and it is directed that the original petitioners shall pay Rs.1,000/- to each of the respondents and produce the receipt on the record of the trial Court within ten days, failing which the learned trial Judge shall proceed with the hearing of the application filed by the respondents praying for striking of the defence.

The civil application is disposed in the above terms.

**JUDGE**