

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 3746 OF 2016

Meghraj S. Malankar.

... Petitioner.

V/s.

State of Maharashtra and Ors.

... Respondents.

Ms. Sumedha Rao for the Petitioner.

Ms. Ketki Muchhala i/b. S.A. Abhyankar for Respondents 3 and 4.

CORAM : N.M. Jamdar, J.

22 August, 2016.

Oral Order :-

The Petition challenges imposition of cost of Rs.5,000/- by the learned City Civil Judge while dismissing the Chamber Summons taken out by the Petitioner.

2. This is not a case where the power of superintendence of this Court is to be exercised as imposition of cost is within the discretion of the Presiding Officer and the costs are also not extraordinary high, but of a routine amount. The learned Counsel for the Petitioner however submits that the only reason given for

imposition of costs is that the progress of proceedings has been delayed because of the Chamber Summons taken out and this reason is not correct.

3. If this is the position, it is open to the Petitioner to approach the learned City Civil Judge and point out that by filing the Chamber Summons, the proceedings in the Suit were not affected or postponed. With these observations, the Writ Petition is disposed of.

(N.M. Jamdar, J.)