

Sequeira

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

*CIVIL APPLICATION NO. 2206 OF 2016
in
WRIT PETITION NO. 5111 OF 2016*

The Government of Maharashtra
Through Collector, Kolhapur & ors. .. Applicants
Vs.
Gajanan Vishwanath Munishwar & ors. .. Respondents

Mr. A. B. Vagyani – Government Pleader a/w Mr. C. P. Yadav –
Assistant Government Pleader, for Applicants.
Mr.Krupashu Nandu i/b Mr.Tejash Dande & Associates, for
Respondent No.1.
Mr.Chetan Patil a/w Mr.Mahesh Rawool, for Respondent Nos.6 to 9.
D.M.Shelkhande, Nayab Tahasildar, present in Court.

*CORAM : N.M.Jamdar, J.
Friday, 7 October 2016.*

P.C. :

The Application filed by the Government challenging the imposition of costs of ₹ 200 by the learned Judge while permitting filing of the Civil application. This Civil application is entirely misconceived. The order under challenge is an order independent of the order challenged in the petition. Furthermore the State has spent more amount in pursuing this challenge than the amount of costs

awarded. In fact, the Civil Application itself warrants imposition of costs. However learned Government Pleader, seeks leave to withdraw the Civil Application and states that the cost of ₹ 200 will be paid.

2. State should not to file such ill advised proceedings and spend public money exceeding the cause, unless a serious question is involved. The State also cannot be oblivious to the pendency of cases, should refrain from adding to the burden without just cause.

3. That in future such entirely frivolous cases are not initiated at the whims of the individual officers, the expenses incurred in filing this application shall be recovered from the deponent of the Civil Application i.e. Prashant Sumantrao Patil - Sub Divisional Officer, Kolhapur. It is surprising that there was no scrutiny as to decide whether the costs to the State exchequer were worth incurring in pursuing a challenge to the costs of ₹ 200. It is open to the State to take appropriate action against those who have initiated this Civil Application.

The Civil application is dismissed as withdrawn.

(N.M.Jamdar, J.)