

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

WRIT PETITION NO.1309 OF 2017

Shri Mukesh Bhanushali

... Petitioner

Vs.

The Estate Officer

The Office of the State Manager, Mumbai

... Respondent

Mr.Vinod Utekar with Pranil Sonawane for the Petitioner

Mr.Y.R. Mishra with N.R. Prajapati for Respondent

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JULY 21, 2017

P.C. :

1. This petition is filed for a limited purpose praying for reduction in the costs imposed by the learned Principal Judge, City Civil Court by order dated 23.9.2016 in Miscellaneous Appeal No.35 of 2012. The learned Principal Judge, City Civil Court, Greater Mumbai has saddled costs of Rs.25,000/- as the appellant did not remain present on that day and also on previous dates.

2. The learned Counsel for the petitioner submits that the petitioner is ready to cooperate and go on with the matter. Also, he

is ready to pay costs, however the said cost is to be reduced.

3. Perused the impugned order passed by the learned Principal Judge of the City Civil Court, Greater Bombay on 19.9.2016 and thereafter on 30.9.2016. The impugned order is well reasoned. It appears that the appellant was at fault for not proceeding with the appeal. The learned Counsel for the appellant submitted that the appellant is ready to go on with the matter on the day whichever is fixed by the learned Principal Judge, City Civil Court, Greater Bombay.

4. In the circumstances, with a view to give one opportunity, costs of Rs.25,000/- is reduced to Rs.15,000/- which is to be deposited by the appellant on or before Tuesday, the 25th July, 2017 before the City Civil Court, Greater Bombay. The parties to appear before the learned Principal Judge on 26th July, 2017 at 11am sharp and the appeal will be scheduled and heard on the day whichever is convenient to the learned Principal Judge. The appellant shall argue the appeal on the day fixed by the learned Principal Judge.

5. Writ Petition is disposed of in the above terms.
6. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)