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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3441 OF 2018
IN
WRIT PETITION NO.5296 OF 2016

Suman Tukaram Kate and Another

APPLICANTS

VERSUS

Parimal Dinkar Ghodake

RESPONDENT

.....

Mr. Sandesh R. Patil, Advocate for the applicants

Mr. Mangesh G. Patil, Advocate for the respondent

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 15th JUNE, 2018

ORDER :

1. Heard learned advocates for the parties.
2. Learned advocate for the applicants submits that while order came to be passed in writ petition No. 5296 of 2016, on 12th June, 2017 the same had not been realized by them immediately and by the time they realized about the order, time to deposit the amount had already been expired. Further the applicants being old, illiterate and suffering health problems, had moved district court, seeking extension of time to deposit the amount as directed by this court, however, the district court had

declined to accede to the request finding that the time stipulation had been given by the high court under its order.

3. Learned advocate for the applicants, therefore, submits that the request for extension of time to deposit of amount may be indulged into, having regard to given circumstances, *viz.*, old age of the applicants, their difficulties, ill health and their literacy level.

4. Learned advocate for the respondent, however, finds it difficult to go by the submissions on behalf of the applicants contending that it had become habitual for the applicants to cause delay and prolong proceedings. Writ petition had been allowed subject to payment of costs, however, costs had not been deposited within stipulated period. He submits that in the first place applicants may not be given any indulgence, however, even if it comes giving some allowance to the contentions being raised, then amount of costs be enhanced.

5. Having regard to that the applicants are old persons and their daughter having expired suffering cancer, it would be expedient, in the circumstances, to approach the matter with leniency with little respite being given to the respondent, by awarding enhancement in the amount of costs directed by this

court to be deposited.

6. As such, applicants to deposit costs to the tune of Rs.2,500/- each, inclusive of Rs.1,500/- each as referred to in the order dated 12th June, 2017, on or before 15th July, 2018 before the appellate court, as directed under paragraph No. 7 of order dated 12th June, 2017 in writ petition No. 5296 of 2016.

7. Time to deposit amount of costs with enhancement, as such, stands extended to 15th July, 2018. Civil application accordingly disposed of.

[SUNIL P. DESHMUKH, J.]