

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

968 CIVIL APPLICATION NO.10069 OF 2019
IN WP/3758/2017

NAGNATH MANIK RANDIVE AND OTHERS
VERSUS
VASANT SHRIRANG MULE AND ANOTHER

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Advocate for Applicants : Shri Venjane T. M.
Advocate for Respondent : Shri Khande A.A. h/f Shri Manale S.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 23, 2019

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PER COURT :-

1 By this application, the applicants pray for mercy and sympathy as they failed to deposit the cost amount of Rs.5,000/- which was to be deposited before the trial Court on/or before 5.1.2019, pursuant to the order of this Court dated 14.12.2018, passed in Writ Petition No.5738 of 2017.

2 The learned Advocate for the applicants submits that they are labourers and were unable to deposit the amount of Rs.5,000/-. Eight months have lapsed and they are willing to deposit the amount along with additional costs. The learned counsel for the respondent submits that neither was the cost deposited nor were the petitioners cooperating in the trial. Even earlier, they remained absent and this Court allowed

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their petition only to give them one chance to participate in the proceedings. He submits that the costs should be raised to Rs.50,000/-.

3 Considering the above and since the conduct of the petitioners is gross, I am imposing costs of Rs.15,000/- instead of Rs.5,000/- only, because an immovable property - agricultural land is involved in this case.

4 This application is allowed. As a last chance, these five applicants shall deposit a total amount of Rs.15,000/-, inclusive of the earlier costs, before the trial Court on/or before 31.8.2019. There shall be no extension of time.

5 The plaintiff shall withdraw the entire amount without conditions. Thereafter, on a date listed after 31.8.2019, application Exhibit 43 shall be conducted by these petitioners, failing which the trial Court would consider the application Exhibit 43 on its own merits in their absence.

(RAVINDRA V. GHUGE, J.)

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