

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.12012 OF 2019 IN
WRIT PETITION NO. 9421 OF 2019**

**BABAN NARAYA N BOTHE AND ANOTHER
VERSUS
RAMDAS SHRIPATI BOTHE AND OTEHRS**

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Advocate for the Applicants : Shri H. U. Dhage
Advocate for Respondent Nos. 1 to 6 : Shri P. R. Nangre

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 04th OCTOBER, 2019.

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PER COURT :

1. I have heard the learned Advocates for the respective sides.

2. The learned Advocate for the applicants, who were the respondents in Writ Petition No. 9421/2019 submits that on 31/07/2019, a lady lawyer appeared in this matter and stated that she was appearing on behalf of both the respondents, who are the applicants herein. The matter was therefore, posted on 01/08/2019 and since none appeared for the respondents, this Court passed an order.

3. It is submitted that these applicants had not issued any Vakilpatra to the learned Advocate who appeared on 31/07/2019. They had authorized the learned Advocate for the applicant Shri Dhage to appear in the matter. However, before he could appear, the matter was already decided because of the appearance of the lady Advocate.

4. The learned Advocate for the applicants submits that on account of the above narrated confusion, this Court has passed an order on 01/08/2019, by which, the applicant plaintiffs are directed to pay costs of Rs. 1000/- to each of the six defendants. He prays for modifying the said order for reduction of the cost and time to deposit the amount before the Trial Court.

5. The learned Advocate for the original applicants submits that the request of the applicants may be considered.

6. In view of the above, this Civil Application is partly allowed. The order passed by this Court is slightly modified by directing the petitioners to pay total costs of Rs. 500/- to each

of the six defendants. Time to deposit the said amount before the Trial Court is granted upto 15/10/2019.

(RAVINDRA V. GHUGE, J.)

shp/-