

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

**CIVIL APPLICATION NO.195 OF 2019
IN
CIVIL REVISION APPLICATION NO.649 OF 2017**

Madhukar Bhikaji (Bhiku), Gujar ... Applicant

IN THE MATTER BETWEEN

Dnanoba Baburao Daswadkar ... Applicant

Vs.

Madhukar Bhikaji (Bhiku), Gujar & ors. ... Respondents

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Mr. Sachin P. Shetye I/b. Mr. Milind M. Gaware for the Applicant.
Miss Sirisha Kurada for Mr. Sandeep V. Marne for Original
Applicant/Respondent.

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CORAM : M. S. KARNIK, J.

DATE : 2nd AUGUST, 2019.

P. C.:

1. This matter pertains to the assignment of Hon'ble Justice Shri S.K. Shinde.

2. This is an application for extending the time for payment of cost of Rs.8,000/- (Rupees Eight Thousand only) as per order dated 10.9.2018 passed by this Court.

3. Learned counsel for the applicant invited my attention to the reasons mentioned in the application and pointed out that there was some miscommunication between his advocate on

record in this Court and advocate on record before the Trial Court and the applicant was never informed about the payment of the cost. It was only later that the applicant was informed regarding compliance to be made of the order passed by this Court. It is moreover stated that the applicant is senior citizen and it is orally submitted by the learned counsel for applicant that the applicant is not keeping good health.

4. Learned counsel for respondent opposed the application. It is her submission that there is a gross delay in filing the application seeking extension. She would invite my attention to the order dated 10.9.2018. She would submit that this Court imposed exemplary cost, then it was duty of the applicant to have complied with the order and paid the cost within a time prescribed by this Court. According to her, the approach of the applicant is very casual.

5. Having regard to the reasons stated in the application, in my opinion, the ends of justice would be met if the applicant is directed to pay cost of Rs.8,000/- (Rupees Eight Thousand only) as directed by this Court within a period of two weeks from today.

6. In my opinion, for the delay in filing of this application imposing further cost of Rs.5,000/- (Rupees Five Thousand only) would meet the ends of justice. The applicant to pay the total cost of Rs.13,000/- (Rupees Thirteen Thousand only) to the respondent within a period of two weeks from today.

7. For the reasons mentioned in the application, the delay in filing the application is condoned.

8. Civil Application is allowed.

(M. S. KARNIK, J.)