

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

WRIT PETITION NO.6041/2019

Dinesh Dadarao Papinwar

..VS..

Smt. Santabai W/o. Dadarao Papinwar & Oth.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri G. M. Kubade, Advocate for the petitioner

CORAM : Z.A.HAQ, J.

DATED : 03/09/2019

Heard.

2] By order dated 18th July 2019, trial Court allowed the application filed by the petitioner (plaintiff) under Order 6 Rule 17 and Order 1 Rule 10 of the Code of Civil Procedure. However, considering the fact that the application was moved at belated stage trial court directed the plaintiff to pay costs of Rs.6000/- to each of the seven defendants. Being aggrieved by the order to pay costs, the petitioner plaintiff had filed application (Exh. 131) seeking review of the order dated 18th July 2019 on the point of costs only. This application (Exh. 131) is also dismissed by order dated 5th August 2019. Being aggrieved with the order to pay costs petition is filed by the petitioner/plaintiff.

3] At the threshold, it has to be recorded that such grievance cannot be examined by this Court in the extraordinary jurisdiction. The learned trial judge has

judiciously exercised the discretion vested in him and it cannot be said that the impugned order suffers from any patent illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

Hence, the petition is **dismissed**. No costs.

4] At this stage, the learned Advocate for the petitioner prayed that the petitioner/plaintiff be granted time till 4th November 2019 to pay/deposit the amount of costs. The request is accepted.

If the petitioner/plaintiff fails to deposit/pay the amount of costs till 4th November 2019, learned trial Judge shall pass appropriate orders in the matter.

(Z.A.HAQ, J.)