

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7113 OF 2018

Manohar Madhavrao Zopate and ors.

-vs-

Rambhau Madhaorao Zopate and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. V. Bhide, Advocate for petitioners.

Shri A. A. Dhawas, Advocate for respondents.

CORAM : A.S.CHANDURKAR, J.

DATE : August 06, 2019

The petitioner has sought to challenge the order passed by the trial Court below Exhibit-66 dated 03/08/2018 permitting the defendant No.3 to raise a counter-claim. The trial Court allowed the said application subject to costs of Rs.500/-.

On behalf of the respondent No.1 attention is invited to the endorsement made on behalf of the plaintiff of having received costs of Rs.500/- on 13/08/2018.

The costs having been accepted in terms of the order dated 03/08/2018 the petitioners are prevented from raising a grievance against that order. In view of the decision in *Bijendra Nath Srivastava (Dead) through LRs vs. Mayank Srivastava and ors. AIR 1994 SC 2562*, the challenge to the impugned order after accepting the amount of costs does not deserve to be entertained. Hence the writ petition is not entertained. Same is disposed of. No costs.

JUDGE