

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

926 WRIT PETITION NO.574 OF 2017

KAILASH MURLIDHAR PARKALE
VERSUS
NIVRUTTI MURLIDHAR PARKALE

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Advocate for Petitioner : Mr. R.N.Chavan h/f Mr. Bagdiya V.A.
Advocate for Respondent : Mr. Panale Sachin S.

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CORAM : V. K. JADHAV, J.
DATE : 05.02.2020

PER COURT :-

1. Heard both the sides.
2. The dispute pertains to the immovable property. Though the ex-parte order came to be passed against the respondent-defendant, it was set aside on costs on the application submitted by respondent-defendant belatedly. It appears that the Trial Court has imposed the costs of Rs.300/- only (Rupees Three Hundred only). It would have been appropriate on the part of the Trial Court to consider the delay in filing an application for setting aside the ex-parte order and imposed the costs of Rs.5,000/- (Rupees Five Thousand only) instead of Rs.300/- (Rupees Three Hundred only). Thus, with this

modification pertaining to the costs, I disposed off the Writ Petition. Hence, I proceed to pass the following order :

ORDER

- (I) Writ Petition is hereby partly allowed.
- (II) The impugned order dated 30.03.2016 passed below Exh.26 is modified to the extent that the respondent-defendant shall pay the costs of Rs.5,000/- (Rupees Five Thousand only) to the petitioner-plaintiff within a period of four (4) weeks from the date of this order.
- (III) Writ Petition is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-