

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.9710 OF 2021
IN SAST/6374/2017**

CHOKHOBHA VITHOBA PANDIT AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for applicants : Mr. S. G. Bhalerao
AGP for Respondents No.1 and 2 -State : Mr. B. V. Virdhe
Advocate for Respondents No.3 to 7 : Mr H. V. Tungar
....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 22-09-2021.

ORDER :

1. Present application has been given for recalling of order passed by this Court on 06-08-2021 regarding payment of cost of Rs.50,000/-.
2. Heard learned Advocate Mr. S. G. Bhalerao for applicants, learned Advocate Mr. H. V. Tungar for respondents No.3 to 7 and learned AGP for Respondents No.1 and 2-State.
3. It is to be noted that by Civil Application No.3298 of 2017 in Civil Appeal Stamp No.6374 of 2017 the delay caused in filing second appeal of 88 days was condoned by this Court by order dated 06-08-

2021. Cost of Rs.50,000/- has been imposed and it is to be noted that why the enhanced cost has been imposed has been stated in the order itself. It is now tried to be stated that in fact nothing was suppressed by them before the First Appellate Court and the view taken by this Court that they have not come with clean hands, is not correct.

4. Merely because the applicants are poor agriculturists, the cost cannot be reduced and furthermore there is absolutely nothing on record to show that they are poor. When order has been passed in detail, there is no necessity to recall it. Hence, application stands rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-