

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

WRIT PETITION NO. 2581 OF 2019

Suchitra Ginning Factory, Buldana and another
...Versus...
Rajendra s/o Radhakisan Rathi

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

Court's or Judge's orders

Shri Rahul Tajne, Advocate for petitioners

CORAM : N.B.SURYAWANSHI, J.

DATE : 29/10/2021

The petitioner has challenged a money decree of Rs. 4,00,000/- and there was a delay of one year and two months in filing the appeal. While condoning the delay, cost of Rs. 50,000/- is imposed by the Appellate Court this order is impugned in the petition.

2. The learned Advocate for the petitioner placed reliance on judgment of this Court (***Coram. Naresh H. Patil & G.S. Kulkarni, JJ.) in Appeal No. 106/2018, Shri Ram Nagar Trust No.1 and another Vs. Mehtab Liaq Sheikh and others***, decided on 07/03/2018, in support of his contention that costs imposed is unreasonable and excessive.

3. Though the respondent is duly served, none appears for the respondent.

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4. If the petitioner deposits an amount of Rs.25,000/-, within a period of four weeks from today, there shall be ad interim relief in terms of prayer Clause – 2.

CIVIL APPLICATION (CAW) NO. 2896 OF 2019

For the reasons recorded in the application, application is allowed.

2. Amendment to be carried out forthwith.

JUDGE