

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

938 WRIT PETITION NO.6223 OF 2022

**PRAMILA KISANRAO GAJBHIYE
VERSUS
VIJAY PATITPAWAN URADE**

...

Advocate for Petitioner : Mr. Bodade S.R.

CORAM : MANGESH S. PATIL, J.

DATE : 22.06.2022.

PER COURT :

This is an exceptional matter. The petitioner is the plaintiff before the trial court.

2. During the course of trial when the matter was awaiting cross-examination of the defendant at her instance, by moving application (Exh. 41) she sought adjournment. Taking note of several factors like the commitment made on her behalf on the previous date to undertake the cross-examination and also taking into account the fact that the defendant had stayed back for couple of days pursuant to such commitment, the application was allowed and the matter was adjourned subject to her paying costs of Rs. 5000/-. By separate application (Exh. 44) she requested to remit the costs from Rs. 5000/- to Rs. 1000/-. By the order under challenge the trial court refused to reduce the costs.

3. Considering the fact that the trial court had objectively decided the application for adjournment at the instance of the petitioner and in the circumstances and for the reasons mentioned in the order had imposed the costs which by no stretch of imagination and in the peculiar facts and circumstances could not be said to be exorbitant, still the petitioner took a chance and made a request to remit the costs. She is bold enough to

approach this Court on rejection of her application. It would have been proper for her being a plaintiff to see to it that the suit was decided expeditiously. Her conduct in approaching this Court when the trial court has refused to reduce the costs clearly indicates her *mala fides*. This is nothing but abuse of the process of the Court.

4. The Writ Petition is dismissed with costs.

(MANGESH S. PATIL, J.)

mkd/-