

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

**WRIT PETITION NO.6664 OF 2022**

KAUSHALYABAI SUDAMRAO BHARANE  
VERSUS  
ARJUN MAROTRAO GAWADE DIED THROUGH HIS LRS  
VACCHALABAI ARJUN GAWADE AND OTHERS

...

Mr. S. M. Mule h/f Mr. R. V. Gore, Advocate for the Petitioner.  
Mr. B. G. Londhe, Advocate for Respondent Nos.1A, 1B, 15 and 16.  
Mr. T. M. Venjane, Advocate for Respondent Nos.2 to 7 and 12.  
Mr. V. B. Jagtap, Advocate for Respondent No.17.

...

**CORAM : SANDEEP V. MARNE, J.  
DATED : 29<sup>th</sup> NOVEMBER, 2022.**

**PER COURT:-**

1. By this petition petitioner challenges the order dated 16.06.2022 passed by 3<sup>rd</sup> Joint Civil Judge, Junior Division, Ambad by which plaintiff's application for inclusion of amount of costs of Rs.2000/- in the decree was rejected.

2. By order dated 06.05.2022 plaintiff's application for amendment of the plaint was allowed subject to payment of costs of Rs.2000/-. Instead paying the awarded costs, plaintiff/petitioner filed an application at Exhibit-80 to include the amount of costs of Rs.2000/- in the decree. That application was rejected by order dated 16.06.2022.

3. It is unfortunate that, instead of paying the amount of costs, plaintiff/petitioner has chosen to file present petition filing of which could possibly incur more expenditure for the

plaintiff/petitioner. The hearing of the suit is already expedited by this Court by order dated 05.01.2022 and the suit was expected to be decided within six months from 05.01.2022. It appears that, with a view to delay the decision of the suit, the application for amendment was moved on 06.04.2022. The Trial Court allowed the application by order dated 06.05.2022 subject to payment of costs of Rs.2000/-. The plaintiff/petitioner, however, did not pay the amount of costs and has filed present petition to avoid payment of that costs for carrying out the amendment. This conduct of plaintiff/petitioner deserves to be deprecated. On account of the conduct exhibited by plaintiff/petitioner, the decision of the suit has been held up. This is a fit case where further costs are required to be imposed upon plaintiff/petitioner for delaying decision of the suit by filing the present petition which can only be termed as frivolous. However, in the interest of justice and with a view to ensure early disposal of the suit plaintiff/petitioner is permitted to deposit the amount of costs of Rs.2000/- in the Trial Court within two weeks from today. Failure to deposit the costs shall result in discarding the amendment. The Trial Court shall not wait any further and shall proceed to decide the suit as expeditiously as possible and in any case by 31.01.2023.

4. With the above directions, writ petition is disposed of.

**(SANDEEP V. MARNE)**  
**JUDGE**