



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

902 WRIT PETITION NO. 12318 OF 2023

**MAROTI NIVRUTTI JADHAV AND OTHERS
VERSUS
NILAWATIBAI SURYABHAN MORE AND OTHERS**

...
Advocate for the Petitioner : Mr. Dhage Vaibhav B.
Advocate for Respondent No.1 : Mr. S. P Katneshwarkar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 16th JANUARY, 2024

PER COURT:

1. Heard.
2. The learned counsel for the petitioners submits that, by the present petition the petitioners are challenging the order dated 05.04.2023, to the extent of payment of costs of Rs.25,000/-, for setting aside the no-cross order dated 16.03.2022. The petitioners restrict their challenge only to the extent that costs of Rs.25,000/-, which is exorbitant and that the lesser amount of costs ought to have been imposed.
3. The learned counsel appearing for the respondent submits that it is a partition suit in which the daughter is fighting against the 23 family members and that she has been deprived of the rights and for a long period of time there has been consistent adjournment and, more so, the

adjournment was asked for more than 20 times. In view of the same, he submits that the costs of Rs.25,000/- is rather on the lower side.

4. Having considered the submissions, the costs of Rs.25,000/- is maintained, subject to that, in the event, the mesne profit is determined, costs imposed to be apportioned accordingly.

5. Permission to cross examine granted by the order dated 05.04.2023 is maintained, rest of the order is maintained as it is.

6. The Writ Petition stands accordingly disposed of.

[ARUN R. PEDNEKER, J.]

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