



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

WRIT PETITION NO.2581/2019

Suchitra Ginning Factory, Buldhana and anr. .vs. Rajendra Radhakisan Rathi

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

Court's or Judge's orders

Mr. R. Tajne, Advocate for petitioners

CORAM : ANIL L. PANSARE, J.

DATE : 12.06.2024

Learned counsel for the petitioner has invited my attention to order dated 26.09.2023 passed by this Court, which reads thus:

"1. In the present writ petition, a challenge is raised to the order dated 05.02.2019 condoning the delay, by imposing cost of Rs. Fifty Thousand on the ground that the amount is exorbitant.

2. Considering the nature of dispute and the amount involved in the dispute, I have gone through the reasons recorded by the learned lower Appellate Court while imposing the cost of Rs. Fifty Thousand to condone the delay.

3. There are no reason recorded justifying the imposition of costs of Rs. Fifty Thousand and therefore, I find substance in the submission of the learned counsel for the petitioner that the cost is exorbitant and imposed without any basis.

4. Accordingly, the impugned order is modified and it is directed the petitioner to pay Rs. Twenty Five Thousand as costs.

5. Accordingly, the Registry is directed to transfer the amount of Rs. Twenty Five Thousand deposited by the petitioner in this Court to the learned lower appellate Court.

6. *The respondent is permitted to withdraw the said amount.”*

As could be seen, only the order of disposal has been not passed.

Learned counsel for the petitioner is correct in pointing out that one line ought to have been added at the end of the order to the effect that the petition is disposed of in above terms. The said line is being added today.

The petition is accordingly disposed of in terms of the order dated 26.09.2023.

(Anil L. Pansare, J.)

Kahale