

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

CIVIL APPLICATION (W) NO.2496 OF 2024
IN
WRIT PETITION NO. 2251 OF 2024

(Chunnilal s/o Hariji Pardhi and others vs. State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr.S.R.Dambhare, Advocate for the petitioners.
Mr.D.V.Chavan, Government Pleader with Mr.J.Y.Ghurde, Assistant
Government Pleader for the respondent Nos.1 to 4.

CORAM : BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE : SEPTEMBER 25, 2024

On 30/08/2024 for non-responsive approach on the part of the respondents, it is recorded that more than four months have lapsed, since no instructions are issued to the Office of the Government Pleader so as to enable filing of the affidavit, costs of Rs.10,000/- (Rs.Ten Thousand) was saddled on each of the respondent Nos.1 to 4. Today, an application is moved for recalling the said order.

2) We have perused the reasons cited in the same where earnest request is made to recall the imposition of costs as it is pleaded before us that though attempts were made to file the affidavit within the given time, the data could not be collated for preparing the affidavit and that consume some time.

3) It is also asserted that the respondent No.2 verbally conveyed to the Office of the Government Pleader that extension of time would be required to file the affidavit, but for some reason necessary instructions could not reach the Office of the Government Pleader and therefore, it is pleaded that the

lapse is unintentional and there was no specific intention to show any disregard to the directions issued by the Court, their apologies are also furnished for causing inconvenience to the Court,

4) We have considered a reason cited in the application and we find that the Government Pleader representing the respondents in the matter is helpless, because no instructions were imparted and as indicated in the order itself that three weeks time was granted by way of last chance to file reply, but there was no compliance and this definitely creating obstruction in the process of administration of justice. We expect the respondent authorities to be alive to the proceedings pending before the Court and if they do not convey or impart necessary instructions to the Office of the Government Pleader, the Officers representing them feel helpless.

5) Since we are not satisfied with the reasons given in the application seeking withdrawal of the imposition of costs, by dismissing the civil application, we direct costs to be deposited within a period of one week.

6) Stand over to **04/10/2024**.

(**ABHAY J. MANTRI, J.)**

(**BHARATI DANGRE, J.)**