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

30 WRIT PETITION NO. 3588 OF 2025

SOMESH SADASHIV APPA LIMBARE

....Petitioner

VERSUS

SATISH BALU APPA LIMBARE AND OTHERS

.....Respondents

Mr. S. P. Telgote, Advocate for the petitioner

Mr. P. D. Patil, AGP for the respondents/State

Mr. S. M. Agrawal, Advocate for the respondent No.1 and 2

CORAM : KISHORE C. SANT, J.

DATE : 19th MARCH, 2025

P. C.

1. Heard both the parties.
2. The petition is only to the extent of imposing the cost of Rs.10,000/- by the learned trial Court while allowing the application for adjournment.
3. It is the case of the petitioner-plaintiff that though the evidence has started in December, 2022, however, he still

required some documents. Though he tried to collect the documents under RTI it took sometime and therefore he could not complete the task.

4. The learned trial court observed that on various occasion time is sought by the petitioner-plaintiff and his evidence is already recorded on 07-08-2023. Thereafter suit was placed for dismissal as the petitioner-plaintiff was not prosecuting the suit diligently.

5. The learned advocate for the petitioner-plaintiff submits that delay is not deliberate but because of fact that he was required some time to collect the documents. He thus, submits that cost of Rs.10,000/- be reduced.

6. The learned advocate for the caveator vehemently opposed the petition. He submits that plaintiff though had given affidavit evidence in December, 2022 he failed to take further steps. The trial court has imposed the reasonable cost for

adjournment. He prays for rejection of the petition.

7. After hearing the parties, this court finds that the petitioner-plaintiffs has not prosecuted the suit diligently. Though the petitioner- plaintiff filed the evidence in December, - 2022 he did not take any steps thereafter. Only under the pretext of collecting the documents, it is also not mentioned which documents are required.

8. Considering all these aspects this court finds that cost of Rs.10,000/- cannot be said to be reasonable, considering the prayers in the suit.

9. Considering all above though this court is not inclined to interfere in the order, however considering that cost of Rs.10,000/- does not appear reasonable, this court is entertaining the petition. The cost of Rs.10,000/- is hereby reduced to Rs.5,000/-. The cost be paid within four weeks in the trial court as condition precedent towards further proceeding.

(4)

30wp3588.25

10. The petition stands disposed off.

[KISHORE C. SANT, J.]

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