

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9957 OF 2023

Bhaushing Harichandra Kahar And Another

VERSUS

Ramchandra Kisan Kahar And Others

...

Advocate for the Petitioners : Mr. Shermale K. N.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 18, 2025

PER COURT :

1. Despite of service, none appeared for the respondents.
2. Heard learned counsel for the petitioners.
3. By way of present petition, the petitioner assails the order dated 25.07.2023 passed below Exhibit-53 by the learned Civil Judge Senior Division, Sangamner in R.C.A. No.1343/2017, whereby the prayer of the petitioner seeking permission to deposit the amount of cost came to be rejected.
4. Learned counsel for the petitioner submits that the learned Trial Court vide its order dated 25.07.2023 passed conditional order by directing the petitioner to deposit cost on the same day. As on that day the petitioner could not deposit the cost, on the next day, the application was filed.
5. Considering the averments made in the application and more particularly on the next day the application was filed, the learned Trial Court ought not to have rejected the same. By rejecting

the said application, the learned Trial Court has taken very hypertechnical approach.

6. In view thereof, I am inclined to allow the petition. The petition is allowed. The order dated 25.07.2023 passed below Exhibit-53 by the learned Civil Judge Senior Division, Sangamner in R.C.A. No.1343/2017 is quashed and set aside.

7. The Trial Court is directed to accept the cost amount. After accepting the amount consequential would follow.

(SIDDHESHWAR S. THOMBRE, J.)