



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

959 WRIT PETITION NO. 10521 OF 2024

Shivaji Shankar Wagh  
Died Through Lrs Chandrabhagabai Shivaji Wagh  
& others .....Petitioners

VERSUS

Ushabai Rupchand Patil & others .....Respondents

Mr. D. A. Madake, Advocate for the Petitioners.  
Mr. S.H. Tripathi, Advocate for Respondents.

**CORAM : R. M. JOSHI, J.**  
DATE : 14<sup>th</sup> JANUARY, 2025.

PER COURT :

1. This Petition takes exception to the order passed by the Trial Court rejecting prayer made by the Plaintiff for deposit of cost since it was made after three weeks of the deadline given by the Trial Court.

2. Learned counsel for the Petitioners submits that in the interest of justice, even by imposing further appropriate cost, he should be permitted to deposit cost.

3. Learned counsel for Respondents/original Defendants opposed the Petition by citing conduct of the Petitioners.

4. Since there was delay of three weeks in depositing the cost, the same has not been accepted by the Trial Court. This Court finds it appropriate to direct the Petitioner/Plaintiff to pay cost of Rs.5,000/- to the Respondents/Defendants within a period of one week. If cost is not within aforesaid period, the order shall stand vacated without reference to the Court. If cost is paid, order passed by the Trial Court shall stand set aside. Trial Court to proceed with the proceedings.

5. Petition is allowed in above terms.

( R. M. JOSHI)  
Judge

dwb