

Sumedh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.767 OF 2024
WITH
INTERIM APPLICATION NO.14418 OF 2024**

Rahul Mulji Patel & Anr. ... Appellants
V/s.
Nanasaheb Chindu Vidhate & Ors. ... Respondents

Ms. Mrinal Shelar a/w. Adv. Anurag Patwardhan. Adv. A. Kulkarni for the Appellant.
Mr. Mahesh Vishwakarma a/w. Adv. Atul Yadav, Adv. Deepa Bhardvaj i/by Chandrakant Narvekar for the Respondents.

CORAM : KAMAL KHATA, J.

DATED : 14TH NOVEMBER 2025.

P.C. :

1. Learned Advocate for the Respondents has failed to comply with the Order dated 4th November 2025. He submits, on instructions, that the parties have indeed exchanged the terms amongst themselves.
2. This submission is refuted by the Advocate for the Appellants, who states that no such instructions have been received by them. She submits that despite a reminder email sent to the Respondent's Advocate on 8th November 2025, there was no

response.

3. When requested to show the terms allegedly exchanged between the parties or proceed to argue the matter, learned Advocate for the Respondents expressed his inability to do so.

4. Such situations arise frequently in our Courts. Opponents, who engage Senior counsel or Senior Advocates - who charge per-appearance basis - to argue their matters are compelled to incur substantial day-to-day fees and often suffer avoidable unnecessary loss when adjournments are sought by the other side. In many cases, the opposing party appears to derive a perverse sense of gratification from the inconvenience and prejudice inflicted on the other side. The only effective deterrent in these circumstances is the imposition of exemplary costs - costs which adequately compensate the party for its actual litigation expenses for the day and/or the loss occasioned by the unwarranted adjournment.

5. I find support in the decision of the Hon'ble Supreme Court in *Dnyandeo Sabaji Naik v Pradnya Prakash Khadekar*¹, which held that Courts are duty-bound to ensure that legal system is not exploited by litigants who employ the forms of the law or procedural devices to defeat or delay justice. The imposition of exemplary costs is a vital tool to deter and weed out frivolous litigation, as well as to prevent its recurrence.

¹ (2017) 5 SCC 496

6. Accordingly, for failing to proceed with the matter on two occasions – namely on 4th November 2025 and today - and for non-compliance with the Order dated 4th November 2025, the Respondent is directed to pay costs of Rs 2,00,000/- to the Petitioners within one week from today.

7. It is clarified that if parties settle their disputes before the next date, the Court may review the imposition of costs on the Respondent.

8. List the matter on 25th November 2025 for hearing.

(KAMAL KHATA, J.)