



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

CRIMINAL WRIT PETITION NO.880 OF 2023

Smt. Amruta W/o Rajesh Kubde and others .Vs. Rajesh S/o Ramdasji Kubde

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.S. Shingane, Advocate for petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 06/02/2025

1. Heard learned counsel for the petitioner. None for the respondent though served.
2. This writ petition takes exception to the order dated 01.12.2023 passed by the learned Judge, Family Court No.4, Nagpur, allowing the application (Exh.28) for amendment subject to condition of depositing Rs.10,000/- as costs.
3. The challenge raised in the present petition to the above referred order is to the extent of imposing costs of Rs.10,000/-. The impugned order more particularly from paragraph-4 of the order, it is evident that, the application for amendment was made even before the commencement of the trial. Further it is evident that, the Court has found the amendment necessary. In the circumstances, the Court ought to have stated the reasons for imposing costs, which are missing in the impugned order.

3. Thus, in absence of any reasons, the order of imposing costs of Rs.10,000/- is unsustainable and hence, it needs to be quashed and set aside.

4. Accordingly, the writ petition is **allowed**.

5. The order below Exh.28 dated 01.12.2023 passed in Petition No.E-448 of 2021 by learned Judge, Family Court No.4, Nagpur, is hereby modified and thereby, the order directing payment of costs of Rs.10,000/- is set aside.

JUDGE

C.L.Dhakate