

MHBU070006642016



Order Below Application (Exh. 175).

(Passed on 24.07.2024)

1. This is an application filed by Ld. Advocate for the defendant to reduce the cost imposed by this Court while rejecting the application for admissibility of document. Perused the application and say filed by the Ld. Advocate for the plaintiff. Heard Ld. Advocate for the defendant and Ld. Advocate for the plaintiff.
2. It is the contention of the defendant that on 07.02.2024 this Court has rejected the application for admissibility of document by imposing the cost of Rs. 1,500/-. Defendant submitted that his financial condition is very poor and shop of the defendant is closed. Defendant is regularly depositing the rent in the Court and defendant has already deposited security amount in the Court. Considering financial condition of the defendant, the cost imposed by this Court on 07.02.2024 while rejecting the application for admissibility of the document are required to be reduced. Hence, Ld. Advocate for the defendant prayed for allowing the application.
3. Ld. Advocate for the plaintiff strongly opposed the application and submitted that previous application filed by the defendant were rejected with the cost of Rs. 1,000/- and Rs. 500/-. This Court has imposed the cost on the defendant due to the prolonging tactics adopted by the defendant. Ld. Advocate for the plaintiff further submitted that imposing the actual and realistic cost is for the purpose of controlling the tendency of introducing untenable application. Imposition of heavy cost

would also control unnecessary adjournment by the parties. In order to prolong this matter defendant has filed the instant application. Plaintiff contended that the application filed on 13.03.2024 by changing its title objection to the exhibition of document was filed after 07.02.2024. During the course of hearing on application filed on 13.03.2024 it was brought to the notice of the Court that the application dt. 13.03.2024 was filed to prolong the matter. In support his contention Ld. Advocate for the plaintiff relied on Judgment of Hon'ble Supreme Court in **Rameshwari Devi & other -vs- Nirmaladevi and other 2011(8) SCC 249**. The law laid down in above mentioned authority would be discussed at appropriate place. With this contention Ld. Advocate for the plaintiff prayed for rejecting the application with the cost of Rs. 10,000/-.

4. it appears from perusal of record that plaintiff has filed this suit for Eviction and Possession U/sec. 16 of Maharashtra Rent Control Act. This suit was filed In the year 2016. This suit is fixed for evidence of plaintiff. Plaintiff has filed the evidence affidavit of PW 2 and this suit was fixed for the cross-examination of PW 2. Instead of taking the cross-examination of PW 2 defendant has filed the various applications to prolong this matter. All the application filed by the defendant to prolong this matter was rejected by this Court. The application on which the cost was imposed on the defendant came to be rejected with the observation of this Court that defendant filed the application to prolong this matter. Even after imposing the cost on the defendant, the conduct of the defendant to file the application to prolong this matter has not

been improved.

5. The authority on which plaintiff relied is applicable to the present case. In above mentioned authority Hon'ble Supreme Court observed that imposition of the heavy cost would also control the adjournment by the party to expedite the civil cases. Hon'ble Supreme Court in above mention authority further held that step to imposition of the cost to curtail the delay in civil matter may help the Court to drastically improve the exiting system of administration of civil litigation in our Court. Therefore, the above mention authority relied upon by the plaintiff is squarely applicable to the present case wherein defendant file the frivolous application to prolong this matter. It is pertinent to note that defendant did not file any documentary proof to show that the financial condition of the defendant is very poor. Therefore, it can be said that the instant application is filed to prolong this matter which is the pending from last 8 years. Hence, This application is deserves to be rejected with the cost of Rs. 500/-. In view of above reason I am not inclined to allow this application and proceed to pass following order.

Order

The application (Exh. 175) is hereby rejected with the cost of Rs. 500/- to be paid to the plaintiff.

Place : Shegaon.
Date : 24.07.2024.

(N. D. Meshram)
Civil Judge Junior Division
Shegaon, Dist. Buldana.

I, *K.S. Deshmukh*, Stenographer of C.J.J.D. & J.M.F.C.
Court No.1, Shegaon affirm that the contents of this P.D.F. file
order is correct word to word as per the Original Order.