

ORDER BELOW EXH. 44

01. Present application is filed by the plaintiff to grant the permission to deposit the costs imposed upon him vide Exh. 41. the plaintiff could not deposit the costs of Rs. 300/- as he is the patient of Cancer and now he is ready to pay the costs amount. Hence, prayed to allow the application.

02. Defendants opposed the application by contending that there is no provision to grant permission to deposit the costs amount after the laps of limitation period. Hence, prayed to reject the application.

03. Heard both the parties. It appears that Exh. 41 was filed to brought on record the L.Rs. of deceased defendant No. 1 subject to costs of Rs. 300/- but till today the plaintiff could not deposit the costs amount. By way of present application the plaintiff is contending that as he is Cancer patient, he could not deposit the costs amount. Defendants opposed the application stating that there is no provision to extend the time to deposit the amount. But section 148 of CPC as well as section 151 of the CPC empowers the Court to pass any just and proper order to avoid the abuse of process of law and to meet the ends of justice. Therefore, by invoking those powers the plaintiff is permitted to deposit costs amount of Rs. 300/- in the Court.

Nilanga.
Dated: 06.09.2017.

Sd/-
(R. P. Kulkarni)
Civil Judge Senior Division,
Nilanga.