

ORDER BELOW EXH. 134 IN R.C.S. NO. 61/2005
(CNR-MHSO180000652005)

The present application has been filed by Ld. Advocate for plaintiff to grant permission to compliance of order passed below Exh.128 and 130 and to deposit cost amount of Rs. 500/- each (total Rs.1000/-). Called say of plaintiffs.

2. As per the contention in application, inadvertently the plaintiff has failed to deposit the cost amount of Rs.1000/- as per order passed at Exh.128 and 130. Now he is ready to pay the cost amount of Rs.500/-. Hence, he prayed to grant permission to deposit the cost amount. The defendants have filed their say and submitted that, the plaintiff intentionally failed to deposit the said cost amount. They are careless. The defendants are old aged and they are remain present in the court on each and every date but the plaintiffs are intentionally absent. The delay has been caused to get justice. Hence, they prayed to reject the application and alternatively if application is allowed, cost of Rs. 1000/- be imposed.

3. Perused the record. It is revealed that, plaintiff has filed application at Exh.128 and 130 to set aside no cross orders and the Court has allowed the said applications on 17.10.2025 subject to cost of Rs. 500/- each but he has failed to comply the said order. It is crystal clear that, there is delay to deposit cost amount/comply the order. But, it is cherished principle of law that, everyone should get the chance to lead his case. If the application is rejected and permission to deposit fee will not given to plaintiff, he will suffer heavy loss and will not get the opportunity to lead his case. At the other hand, if the application is

allowed, no loss will be caused at the side of defendant except delay. One can't vitiate right of any person to lead his case on ground of delay. In the interest of justice, a fair chance, an opportunity should be given to plaintiff .

4. Hence, in the backdrop of above discussion, I proceed to pass the following order.

ORDER

1. Application is allowed subject to cost of Rs. 200/- to be paid by plaintiff to the defendants.
2. The plaintiff is allowed to pay deposit cost amount of Rs. 1000/- as per the order vide Exh. 128 and 130 immediately without fail.
3. Both parties are directed to expedite the proceeding of the case.

Date : 06/11/2025

(V.K. Patil)
Civil Judge J.D., Mangalwedha.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word to word, as per the original Order.

(a) Name of the Stenographer : S.M. Gaddam,

(b) Name of the Court : C.J.J.D., Mangalwedha, Dist. Solapur,

(c) Order signed by P.O. on : 06/11/2025

(d) Order uploaded on : 06/11/2025