

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.1275 OF 2007**

**MANUBHAI HARGOVANDAS PATEL )...APPELLANT**

**V/s.**

**M/S.LALIT CONSTRUCTIONS & ORS. )...RESPONDENTS**

Shri Manubhai Patel – Appellant – appearing in person.

Shri Kuldeep Patil, Advocate for Respondent Nos.1 to 4.

Smt.M.R.Tidke, APP for the Respondent - State.

**CORAM : ABHAY M. THIPSAY, J.**

**DATE : 28<sup>th</sup> APRIL 2016.**

**P.C. :**

1 Heard Shri Kuldeep Patil, the learned counsel for respondent nos.1 to 4.

2 Yesterday when the matter was called out, none appeared for respondent nos.1 to 4. The appellant, who appears in person, was present. He complained that the costs that were imposed on respondent nos.1 to 4 had not been paid. In these

circumstances, this court passed an order granting an adjournment only subject to the payment of costs of Rs.20,000/-, to be paid by respondent nos.1 to 4 to the appellant.

3 After the said order was passed, the matter was immediately mentioned by the learned counsel for respondent nos.1 to 4, and as such, it was directed to be listed on today's board after giving a notice to the appellant.

4 Shri Kuldeep Patil, the learned counsel for respondent nos.1 to 4 says that Advocate Ms.Heena Suvarnakar was present on behalf of respondent nos.1 to 4 yesterday, but due to some confusion, she did not appear before the court when the matter was called out. He submits that, in the circumstances, the order imposing costs of Rs.20,000/- be recalled.

5 After considering all the relevant aspects of the matter, and keeping in mind the fact that the matter was mentioned by the learned counsel for respondent nos.1 to 4,

immediately after the order was passed, I am inclined to recall the order directing payment of costs of Rs.20,000/- to the appellant by respondent nos.1 to 4.

However, I am inclined to impose costs of Rs.1,000/- upon respondent nos.1 to 4, which should be paid to the appellant on or before 13<sup>th</sup> June 2016.

It is clarified that the costs of Rs.500/- as ordered earlier, should be paid to the appellant today itself, which should be in addition to the costs imposed today.

6           The matter already stands adjourned to **13<sup>th</sup> June 2016**. To be listed for **Final Hearing**.

**(ABHAY M. THIPSAY, J.)**