

NOTIFICATION BY THE HIGH COURT OF JUDICATURE AT BOMBAY

NOTICE

Notice is hereby given that the Hon'ble High Court is contemplating to amend the chapter XXXI of the Bombay High Court (Original Side) Rules, 1980 as detailed herein below. Any person interested in lodging any suggestion/objection may do so only by an e-mail addressed to the Registrar (Legal & Research) at rule-section@bhc.gov.in on or before 29.01.2024. Suggestion(s) /Objection(s) received till said date shall be taken into consideration by the Hon'ble High Court, thereafter in due course. The proposed amendments are -

The draft of amendment to Chapter XXXI of the Bombay High Court (Original Side) Rules, 1980 by inserting new Rule 610A after existing Rule 610.

Rule 610A

1. Notwithstanding anything contained in these Rules or in any other law for the time being in force, including but not limited to the Bombay Pleaders Act, 1920, in any of Civil Matters in the High Court mentioned in Rules 606(1), 606(2)(i) and 606(2)(vi), the Court may in its discretion award such costs, including actual costs, as it deems reasonable and fit and proper.
2. In awarding costs, the Court may have regard to relevant circumstances such as (a) the conduct of all the parties; (b) whether a party has succeeded on part of his case, even if he has not been wholly successful and (c) any payment made into Court or admissible offer to settle made by a party which is drawn to the Court's attention.
3. The phrase Conduct of the parties includes : (a) conduct before, as well as during, the proceedings; (b) whether it was reasonable for a party to raise, pursue or contest a particular allegation or issue; (c) the manner in which a party has pursued or defended his case or a particular allegation or issue; and (d) whether a claimant who has succeeded in his claim, in whole or in part, exaggerated his claim.
4. Where the Court directs that costs shall not follow the event under this Rule, the Court shall state briefly its reasons in writing.

Sd/-

Bombay

Date : 11th January 2024

Dhananjay A. Deshpande
Registrar (Legal & Research)