IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPOLICATION NO.139 OF 2015
IN
CIVIL APPLICATION STAMP NO.2221 OF 2015
IN
FIRST APPEAL STAMP NO.31891 OF 2013
IN
L.A.R. NO.406 OF 2000

The State of Maharashtra : Applicant.
Versus
Nakul Govind Patil and ors. : Respondents.

ALONG WITH
CIVIL APPOLICATION NO.140 OF 2015
IN
CIVIL APPLICATION STAMP NO.2237 OF 2015
IN
FIRST APPEAL STAMP NO.31896 OF 2013
IN
L.A.R. NO.672 OF 2000

The State of Maharashtra : Applicant.
Versus
Jatrya Maya Pawar (deceased)
through LRs
Narayan Jatrya Pawar and ors. : Respondents.

ALONG WITH
CIVIL APPOLICATION NO.141 OF 2015
IN
CIVIL APPLICATION STAMP NO.2229 OF 2015
IN
FIRST APPEAL STAMP NO.31902 OF 2013
IN
L.A.R. NO.813 OF 2000

The State of Maharashtra : Applicant.
Versus
Devaji Gavatya Patil
since deceased through LRs
Laxman Devaji Patil and ors. : Respondents.

ALONG WITH
CIVIL APPOLICATION NO.142 OF 2015
IN
CIVIL APPLICATION STAMP NO.2233 OF 2015
IN
FIRST APPEAL STAMP NO.31911 OF 2013
IN
L.A.R. NO.815 OF 2000

The State of Maharashtra : Applicant.
Versus
Kalya Kana Mhatre
since deceased through LRs
Anusaya Ram Mhatre and ors. : Respondents.

Mr. A R Patil, AGP, for the Applicants.

CORAM : R. M. SAVANT, J.
DATE : 02nd March 2015

P.C.

1 The above Civil Applications have been filed for condonation of delay in the filing the above Civil Revision Applications . The said delay is ranging from 81 days to 95 days. The cause for filing the above Civil Revision Applications is the conditional order passed on 10/10/2013 in the above First Appeals by the learned Registrar (Judicial-I). The said conditional order is to the following effect :-

> "Two weeks time granted to pay deficit court fees failing which registration shall automatically stand refused"

It is on account of non-compliance of the said conditional order the same became operative and resultantly the registration of the First Appeals stood refused.

2 The order passed by the Learned Registrar Judicial (I) is referable to Rule 4 (vi) of Chapter V of High Court (Appellate Side) Rules against such an order there is a remedy of revision provided by Rule 6 of the same Chapter. The said Rule provides that against the order passed by the Learned Registrar refusing registration of any matter under the forgoing rule, the same shall be revisable upon a regular stamp application which shall be filed within 7 days from the date of the order.

3 It is required to be noted that the First Appeals were filed by the Applicants i.e. the State of Maharashtra and the Acquiring Body on the payment of the nominal court fees. However, as per the statement made in the Applications for condonation of delay, the acquiring body has deposited demand drafts towards the payment of the deficit court fees with the office of the Government Pleader, High Court, Mumbai. Hence in so far as the court fees are concerned, the same have now been provided for by the State Government. The reasons why the delay has occasioned in filing the above Application for condonation of delay have been mentioned in the above Civil Application. In identical fact situations, three Learned Judges of this Court have come to a conclusion that notice to other side in so far as the condonation of delay in filing the Civil Revision Application which have been filed for setting aside the conditional order of the Learned Registrar Judicial (I) of this Court is not required. The last of the order is the order dated 16th January 2015 passed by

this Court in Civil Application No. 50 of 2015 in Civil Revision Application St. No. 33590 of 2014 and other similar matters.

4 The above Civil Revision Applications have been filed by the Applicants for restoration of the First Appeals. In the light of the aforesaid precedents and considering the averments made in the above Civil Applications, the Civil Application for condonation of delay in filing the Civil Revision Applications are required to be made absolute and are accordingly made absolute in terms of prayer clause (b) of the above Civil Applications.

5 The above Civil Revision Applications for restoration of the First Appeals are also required to be allowed and are accordingly allowed in terms of prayer clause (b) in the Civil Revision Applications. Resultantly the First Appeals are restored to file. On restoration of the First Appeals, the State to deposit the deficit court fees within a period of 8 weeks from date.

6 The above Civil Applications and the Civil Revision Applications to accordingly stands disposed of.

[R.M.SAVANT, J]