

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICTION NO.694 OF 2014
IN
CIVIL REVISION APPLICATION STAMP NO.9794 OF 2014
IN
FIRST APPEAL STAMP NO.82 OF 2014**

**The State of Maharashtra & ors : Applicants.
Versus
Krishna Hari Pawar (dead)
Smt.Mainabai Ramdas Gaikwad & anr. : Respondents.**

**ALONG WITH
CIVIL APPLICTION NO.695 OF 2014
IN
CIVIL REVISION APPLICATION STAMP NO.9800 OF 2014
IN
FIRST APPEAL STAMP NO.98 OF 2014**

**The State of Maharashtra & anr. : Applicants.
Versus
Laxman Budha Bhoye and ors. : Respondents.**

**ALONG WITH
CIVIL APPLICTION NO.696 OF 2014
IN
CIVIL REVISION APPLICATION STAMP NO.9806 OF 2014
IN
FIRST APPEAL STAMP NO.94 OF 2014**

**The State of Maharashtra & anr. : Applicants.
Versus
Laxman Hari Choudhari : Respondent.**

**ALONG WITH
CIVIL APPLICTION NO.697 OF 2014
IN
CIVIL REVISION APPLICATION STAMP NO.9812 OF 2014
IN
FIRST APPEAL STAMP NO.90 OF 2014**

The State of Maharashtra & ors. : Applicants.
Versus
Kala Natthu Pawar : Respondent.

ALONG WITH
CIVIL APPLICTION NO.698 OF 2014
IN
CIVIL REVISION APPLICATION STAMP NO.9817 OF 2014
IN
FIRST APPEAL STAMP NO.86 OF 2014

The State of Maharashtra & ors : Applicants.
Versus
Kala Natthu Pawar : Respondents.

ALONG WITH
CIVIL APPLICTION NO.700 OF 2014
IN
CIVIL REVISION APPLICATION STAMP NO.9830 OF 2014
IN
FIRST APPEAL STAMP NO.120 OF 2014

The State of Maharashtra & ors : Applicants.
Versus
Walu Motiram Gavit (dead)
Smt.Sukhabai Motiram Gavit and anr. : Respondents.

ALONG WITH
CIVIL APPLICTION NO.701 OF 2014
IN
CIVIL REVISION APPLICATION STAMP NO.9834 OF 2014
IN
FIRST APPEAL STAMP NO.116 OF 2014

The State of Maharashtra & ors : Applicants.
Versus
Pundya Ziparu Jagtap (dead)
Lahanu kalu Jagtap and anr. : Respondents.

ALONG WITH
CIVIL APPLICTION NO.702 OF 2014

IN
CIVIL REVISION APPLICATION STAMP NO.9837 OF 2014
IN
FIRST APPEAL STAMP NO.111 OF 2014

The State of Maharashtra & ors : Applicants.
Versus
Kashiram Mahadu Mahajan : Respondent.

ALONG WITH
CIVIL APPLICATION NO.703 OF 2014
IN
CIVIL REVISION APPLICATION STAMP NO.9842 OF 2014
IN
FIRST APPEAL STAMP NO.107 OF 2014

The State of Maharashtra & ors : Applicants.
Versus
Laxman Badya Barde and ors. : Respondents.

ALONG WITH
CIVIL APPLICATION NO.704 OF 2014
IN
CIVIL REVISION APPLICATION STAMP NO.9849 OF 2014
IN
FIRST APPEAL STAMP NO.102 OF 2014

The State of Maharashtra & ors : Applicants.
Versus
Soma Lilu Jagtap : Respondent

Mr. A R Patil AGP for the Applicant.

CORAM : R. M. SAVANT, J.
DATE : 07th January 2015

P.C.

1 The above Civil Applications have been filed for condonation of delay in the filing the Civil Revision Applications. The said delay is of 79 days. The cause for filing the above Civil Revision Applications is the conditional

order passed on 24/12/2014 in the above group of First Appeals by the learned Registrar (Judicial-I) in each of the First Appeals. The said conditional order is to the following effect :-

“Time of Two weeks granted to pay deficit Court Fee. If deficit Court Fees is not paid within given period the registration shall 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 Applications for condonation of delay have been mentioned in the above Civil Applications. 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 Applications 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 orders is the order dated 16th December 2014 passed by this Court in Civil Application No. 678 of 2014 in Civil Revision Application St. No. 21605 of 2014 and companion 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 Applications 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 each 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 each of 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 stand disposed of.

[R.M.SAVANT, J]