

**The State of Maharashtra and another** ...Applicants  
**Vs.**  
**Konark Infrastructure Ltd.** ...Respondent

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**CORAM : R. M. SAVANT, J.**  
**DATE : 20<sup>th</sup> JANUARY, 2015**

1           The above Civil Applications have been filed for condonation of delay in the filing the Civil Revision Applications. The said delay is of 349 days. The cause for filing the above Civil Revision Applications is the conditional order passed on 16/12/2013 in the above First Appeals by the learned Registrar (Judicial-I) in each of the above First Appeals. The said conditional order is to the following effect :-

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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 (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 as held by a Division Bench of this Court. 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 on the payment of the nominal court fees. However, as per the statement made in the Civil Revision Applications, the Collector Thane, has deposited demand drafts towards the payment of the deficit court fees with the office of the Government Pleader, High Court, (A. S.) 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, concerning land acquisition references the Learned Single Judges of this Court have come to a conclusion that notice to the 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 16<sup>th</sup> January 2015 passed by this Court in Civil Application No. 45 of 2015 in Civil Revision Application St. No. 33609 of 2014 and companion matters which as indicated above are arising out of land acquisition references.

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]**