

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

904 CRA NO. 298 OF 2015

SAKUBAI VISHWAMBAR DHAGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Suryawanshi Govind G.
AGP for Respondents 1 & 2 : S.D. Kaldate
Advocate for Respondents 3 & 4 : S.B. Bhosale
...

CORAM : T.V. NALAWADE, J.
DATED : 27th April, 2016.

ORDER :

1. The proceeding is filed to challenge the order made by the District Judge-1, Biloli, by which the land reference filed by present petitioner came to be dismissed.

2. The requisite court fee was not paid by the petitioner within time fixed by this Court in Civil Revision Application No. 84/2004. Time was over on 19.10.2010 and so the order came to be made on 20.1.2011. It can be said that the District Court could not have made any other order than such order as the time could have been extended only by this Court. The learned counsel for petitioner produced a copy of order made in Civil Application No. 8614/2013 (in Civil Revision Application No. 84/2004) and submitted that such application was filed by the

present petitioner, but the Court observed that Civil Revision Application needs to be filed to challenge the order made by the District Court and due to such order, proceeding was withdrawn and revision came to be filed.

3. In any case, there is question as to whether the time is to be extended or not. This Court has condoned the delay and had allowed the claimant to deposit the deficit court fee within time fixed by this Court. There was such power with the Court. In view of these circumstances, this Court holds that to avoid further litigation and as the power was vested with the Court, the order needs to be set aside for allowing the present petitioner to deposit the deficit court fee.

4. In the result, the revision is allowed. The order made by the learned District Judge is hereby set aside. The matter is restored to its original number. Deficit court fee is to be deposited prior to 6.6.2016.

5. Authenticated copy is to be supplied.

[T.V. NALAWADE, J.]

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