FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION (ST) NO.17246 OF 2016

The State of Maharashtra, through
The Special Land Acquistion Officer and Anr. .. Petitioners

vs.

Shri Hanuman Vilas Keni (Deceased)
Through his legal heirs:
1/1 Smt.Anjana Hanuman Keni and Ors. .. Respondents

Mr.A.R.Patil, A.G.P. for the applicant

CORAM : K. K. TATED, J.
DATE : AUGUST 9, 2016

P.C.:

1 Not on board. At the request of learned A.G.P. for the applicant, matter is taken on board for urgent orders.

2 This Civil Revision Application is preferred by State of Maharashtra for setting aside the conditional order passed by learned Registrar (Judicial-I) granting two weeks time to pay deficit court fees failing which Registration would automatically stand refused.

3 The learned A.G.P. for the applicant submits that in the present proceeding, learned Civil Judge, Senior Division, Panvel, District Raigad passed judgment and award in Land Acquisition Reference No.31 of 2014 on 31.12.2014 granting enhanced compensation in favour of respondent. He submits that they filed First Appeal on

4.1.2016 by paying nominal court fees.

4 The learned A.G.P. for the applicant submits that Registrar (Judicial-I) passed conditional order on 4.1.2016 directing applicant to pay deficit court fees within two weeks failing which Registration shall stand automatically refused. He submits that office of the Government Pleader called upon the concerned officer to deposit immediately requisite amount for payment of court fees. He submits that office of the Government Pleader received court fees on 29.4.2016. Hence, they preferred the present Civil Revision Application for setting aside conditional order dated 4.1.2016. He submits that in the interest of Justice, this Hon'ble Court be pleased to allow the present Civil Revision Application by setting aside conditional order dated 4.1.2016. He submits that they have good chance of success in the First Appeal. He submits that if impugned order is not set aside, irreparable loss and injury will be caused to the applicant. He submits that applicant has good chance of success in the First Appeal.

5 Considering the submissions made by the learned A.G.P. for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the Civil Revision Application. Hence, following order:

a) Order dated 4.1.2016 passed by learned Registrar (Judicial-I) is set aside.

b) Applicant permitted to pay deficit court fees in First Appeal within 6 weeks from today, failing which Civil Revision Application shall stand dismissed without referring back to the court.

c) Civil Revision Application stand disposed of accordingly.

JUDGE