

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 CIVIL APPLICATION NO. 1608 OF 2017
IN RC/653/2012

YUSUFODDIN JAMIRODDIN KAZI
VERSUS
THE STATE OF MAHARASHTRA AND ANR

Advocate for Applicants : Mr. R.D Biradar h/f Mr. Mahesh
S. Patil

AGP for Respondent No. 1 : Mr. S.R. Yadav

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CORAM : K.K. SONAWANE, J.

DATED : 28th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants and learned AGP for respondent -State.
2. Perused the application. The applicant filed first appeal against impugned judgment and award passed by the learned Reference Court under section 18 of the Land Acquisition Act. The applicants-appellants failed to deposit the deficit court fees, resulting into dismissal of the appeal. Learned counsel for appellants undertakes to deposit the deficit court fees within three weeks after restoration of the appeal at its original stage.
3. In view of aforesaid submission on behalf of the applicants and nature of the proceedings, the application deserves to be allowed. Accordingly, applications stands allowed in terms of

prayer clauses "B and C" as shown in the prayer clauses of application. The delay caused in filing the present application stands condoned. The impugned order of refusing registration of first appeal is hereby quashed and set aside. The appeal be restored to its original stage. After restoration of the appeal, appellants shall deposit deficit court fees within a period of three weeks from today. Failure to which present order passed by this court shall stand cancelled automatically. Registry to take requisite steps for restoration of the appeal to its original stage.

4. Civil application stands allowed in above terms and stands disposed of.

[K. K. SONAWANE]
JUDGE

MTK.