

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.57 OF 2017 IN APPEAL FROM ORDER NO.34 OF 2017
(Akola Municipal Corporation vs. Shri Akola Gujrati Samaj)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri A.R. Deshpande, Advocate for applicant.

CORAM : P.N. DESHMUKH, J.

DATED : OCTOBER 3, 2017

Heard Shri Deshpande, learned Counsel for applicant/appellant.

This application is moved by appellant for refund of Court fee of Rs.39,605/- contending that initially appellant had filed second appeal challenging judgment passed by learned District Judge-2, Akola in Regular Civil Appeal No. 112/2015. However, vide order dated 25/7/2017, this Court permitted appellant to convert said second appeal into appeal from order under Order XLIII Rule 1(u) of Code of Civil Procedure. It is, therefore, submitted that since appellant while filing second appeal had paid Court fee as aforesaid by valuing it at Rs.21,90,391/- for the purpose of Court fee and jurisdiction, appellant is entitled for refund of the same in view of conversion of said second appeal to appeal from order.

In that view of the matter, appellant is found entitled for refund of Court fee. Office to take steps as per Rules. The application is allowed.

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Stand over to 31/10/2017.

JUDGE

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