

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

**CIVIL APPLICATION NO. 9400 OF 2018**

IN RC/657/2012

WITH

**CIVIL APPLICATION NO. 9401 OF 2018**

IN RC/667/2012

WITH

**CIVIL APPLICATION NO. 9404 OF 2018**

IN RC/665/2012

WITH

**CIVIL APPLICATION NO. 9405 OF 2018**

IN RC/671/2012

**GANESH MANMATH WADKAR**

**VERSUS**

**THE STATE OF MAHARASHTRA AND ANR**

Mr.Mahesh S. Patil, Advocate for the applicant  
Mr.R.B.Bagul, AGP for the respondent/State

**CORAM : PRASANNA B. VARALE &  
S.M.GAVHANE, JJ.**

**DATED : 03.08.2018**

**P.C. :-**

. Heard Mr. Patil, learned counsel appearing for the applicant.

2. By the present application the applicant prays for condonation of delay of 1861 days caused in filing the civil application and then further prays for setting aside the order of the registration thereby the

registration of the appeal is refused. Learned counsel submitted that on the count of non payment of the court fees, the registration is refused. Learned counsel submits that the applicant is original claimant and being aggrieved by the judgment and award passed by the learned District Judge-1 dated 20.12.2011 in the Land Reference Application, the applicants are before this Court by filing the appeal. Learned counsel further submits that the grievance of this applicant is about inadequate amount of compensation awarded towards his land acquired by respondent No.2. Mr. Patil, learned counsel then submitted that the Acquiring Body i.e. Latur Minor Irrigation Division, Latur has also filed the appeals challenging the same judgment and award and First Appeal No.8329/2013 is admitted by this Court on 16.08.2013. Learned counsel then submitted that the applicant was not having sufficient finance for depositing the requisite court fees as he was facing the financial difficulties and the only source of livelihood i.e. the agricultural land was acquired. Learned counsel then submitted that in the appeal filed by the Acquiring Body this Court directed the Acquiring Body to deposit certain amount and the applicant who is respondent in these appeals are permitted to withdraw the part of the amount as such now the applicant is having some finance to make good of

deficit court fees. Learned counsel submitted that as the valuable right of the parties is involved and the applicant is claiming monitory benefits, the refusal of registration on technical ground may cause serious prejudice.

3. The application is opposed by the learned AGP as well as learned counsel appearing for respondent No.2. Though the application is opposed by the learned counsel appearing for respondents in view of the submissions of the learned counsel Mr. Patil and for the reasons stated in the application, the application is allowed subject to the applicant deposited the deficit Court fees in this Court within three weeks from today.

**[ S.M.GAVHANE, J. ]**

**[ PRASANNA B. VARALE, J. ]**