

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 343 OF 2017
In
CIVIL REVISION APPLICATION (ST.) NO. 22152 OF 2017
WITH
CIVIL REVISION APPLICATION (ST.) NO. 22152 OF 2017

The State of Maharashtra ... Applicant
Vs.
Dayaram Lahu Patil & Anr. ... Respondents

Mr. A.R. Patil, AGP for the applicant/State.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 10th August, 2018.

P.C.:

The Civil Application is moved for condonation of delay of 118 days in filing Civil Revision Application for setting aside the conditional order dated 10th March, 2017 passed by Registrar (Judicial-I) and allow the applicant to deposit the deficit court fees in First Appeal (St.) No. 7364 of 2017.

2. The learned AGP submitted that proceedings were dismissed before issuance of notice, hence no notice is required to the other side. The learned AGP submitted that generally First Appeals are filed by the State on nominal stamp of Rs.20 and after calculating the Court fees and sanction of the amount, the deficit Court fees is paid,

hence there is delay in payment of Court fees. The Registrar (Judicial-I) on 10th March, 2017 granted two weeks time as a last chance to pay deficit court fees and passed conditional order. Learned AGP submitted that as funds were not available at that time, the State could not pay deficit court fees within the stipulated time. He submitted that now the funds are available and the State is in a position to pay the deficit court fees. Learned AGP submitted that the delay of 118 days be condoned.

3. In view of the submissions and the reasons mentioned in the Application, delay of 118 days is condoned. The order dated 10th March, 2017 passed by Registrar (Judicial-I) is set aside. Civil Revision Application is allowed in terms of prayer clause (b). The deficit court fees is to be paid within eight weeks from today. If the deficit court fees is not paid within the stipulated time, First Appeal will be dismissed without reference to the Court.

4. Civil Application for condonation of delay is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)