

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

WRIT PETITION NO. 6619/2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Vasim Samlewale i/b. T. S. Ingale for the Petitioner

CORAM : K. K. TATED, J.

DATED : MAY 2, 2018

PC.:

. Heard. By this petition under Article 227 of the Constitution of India the Petitioner Defendant Nos.1 and 2 challenge the order dated 06.07.2015 passed by the Civil Judge, Senior Division, Ichalkaranji below Exhibit- 32 in Special Civil Suit No. 16/2012 by which the Trial Court has rejected their Application directing the Plaintiff to pay court fees.

2 It is to be noted that the Petitioner has made an Application below Exhibit- 32 under the apprehension that in case the Respondent Plaintiff fails in the said suit, it would be very difficult to recover the court fees from her.

3 It is to be noted that the Trial Court has, by order dated 21.09.2015 framed the issue. Thereafter an additional issue was framed on 16.01.2015 which reads thus:

“Whether the suit is bad for non payment of necessary court fees?”

4 It is to be noted that the Trial Court has, vide order dated 06.07.2015 relying on the Government Resolution issued by the Government, held that the Plaintiff being women, is not liable for payment of court fees. Not only that in case the issue goes against the Plaintiff, then the court can pass appropriate order for recovery of the court fees from her.

5 In view of these facts, I do not find any reason to entertain the present Writ Petition. Hence, the Writ Petition stands rejected.

(K.K.TATED, J.)