

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

908. CIVIL APPLICATION NO. 4116 OF 2019
IN
FIRST APPEAL No. 4 of 2011

Mandubai Ankush Shinde and another ...Applicants.

Versus

The Divisional Manager,
United India Insurance Co. Ltd. and others ...Respondents

Mr. S.V. Deshmukh, Advocate for applicants
Mr. A.G. Kanade, Advocate for Respt. No.1

CORAM : V.L. ACHLIYA, J.

DATE : 4th April, 2019

PER COURT :

1. By way of present application, the applicants have claimed the following relief :

“ (B) Pass an appropriate order the applicants may kindly be exempted from payment of court fees on enhanced compensation in first appeal no. 04/2011.”

2. In brief, it is contention of the learned Counsel for the applicants that though the relief is claimed in the application for

total exemption from payment of court fees, the applicants are restricting the prayer and urged to direct that the amount of court fees be deducted from the amount of compensation to be deposited by the respondents.

3. Considering the submissions advanced in the light of provisions of sub rule (3) of Rule 257 of the Maharashtra Motor Vehicles Rules, 1996, I am of the view that the applicants are not entitled to claim exemption as the exemption under said Rules can be claimed before the Tribunal. The amount of court fees is payable over the amount of compensation enhanced by the Appellate Court. In order to draw the decree by the Appellate Court, it is incumbent upon appellants to deposit court fees.

4. Application is rejected.

(V.L. ACHLIYA)
JUDGE

Madkar