

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.288 OF 2019
IN
FIRST APPEAL (ST.) NO.27067 OF 2015

Shri Kundan @ Yashwant R. Gund .. Applicant.
v/s.
Mohol Nagari Sahakari Pathpurvatha
Sanstha Maryadit & Others .. Respondents.

Mr. Ashok B. Tajane, for the Applicant.

**CORAM: A.S.OKA &
M.S.SANKLECHA, JJ.
DATE : 15th APRIL, 2019.**

P.C:-

Heard the learned Counsel appearing for the Applicant. The Registrar (Judl.II) passed an order on 2nd September, 2016, referring the First Appeal to the Taxing Master for adjudication on various issues framed in the said order. The Taxing Master submitted a report dated 25th September, 2016, holding that the Applicant will have to pay ad-valorem court fees on the amount of Rs.46,91,985/-. As the court fee was not paid by the Applicant, by an order dated 19th September, 2017 passed by the Registrar (Judl.II), the registration of the First Appeal stands refused.

2 The learned Counsel appearing for the Applicant on instructions states that Applicant is willing to pay the court fees as per the order dated 25th November, 2016 passed by the Taxing Master. We accept the said statement.

3 In view of the above statement, we pass the following order:-

- (a) The order dated 19th September, 2017 passed by the Registrar (Judl.II) is hereby set aside, subject to the condition of the Applicant paying the entire deficit court fees in terms of the order dated 25th September, 2016 passed by the Taxing Master within a period of two weeks from date on which this order is uploaded. We make it clear that no further extension will be granted;
- (b) On failure of the Applicant to deposit the deficit court fees within the aforesaid period stipulated, the order of rejection of the appeal shall stand;
- (c) Civil Application is accordingly disposed of.

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)