

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

**CIVIL APPLICATION NO. 1628 OF 2017
WITH
FIRST APPEAL NO. 2483 OF 2011**

United India Insurance Co. Ltd. Applicant
V/s.
Mrs. Anjana w/o Nileshkumar Parmar Respondent

.....
Mr. Ketan Joshi, Advocate for the Applicant.

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CORAM : K.K.TATED, J.
DATED : 11th October, 2019

P.C.

1. Heard Learned Counsel Mr. Ketan Joshi for the Applicant.
2. The Learned Counsel for the applicant submits that, in First Appeal, they have to pay sum of Rs. 11,430/- as excess court fees. He submits that, applicant may be permitted to withdraw the said excess court fees. To that effect, there is report from Taxing Officer dated 3rd October, 2019 stating that the applicant had paid excess amount of court fees of Rs. 11,430/- in the present First Appeal.
3. Considering the submissions made by the learned counsel for the applicant, averments made in the Civil Application and the report of Taxing Officer dated 3rd October, 2019, I satisfy that, applicant has made out a case for allowing this Civil Application. Hence, the following order.

ORDER

- a) Civil Application is allowed in terms of prayer clause ‘a’ which reads thus :

“the order refund of excess of Court Fee Rs.11,430/- (Rupees Eleven Thousand Four Hundred Thirty only) in First Appeal No. 2438 of 2011 to the Applicant/Appellant;”

- b) Civil Application stands disposed of accordingly.
- c) No order as to costs.

(K.K.TATED, J.)