

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL JURISDICTION**  
**CIVIL APPLICATION NO.5297 OF 2008**  
**IN**  
**REJECTED CLAIM NO. 1568 OF 2005**

The State of Maharashtra and Anr. .. Applicants

Versus

Thakar Raghuji Bhoir .. Respondent

...

Ms.Tanaya Goswami, AGP for State/Applicant.

...

**CORAM: BHARATI DANGRE, J.**

**DATED : 30<sup>th</sup> AUGUST, 2019.**

**P.C:-**

1. Civil Application No. 5297/2008 seeking restoration of the dismissal of the First Appeal by the Registrar (Judicial -I) by his order dated 31<sup>st</sup> January, 2005, on the ground of non-payment of deficit Court fee.

2. The learned AGP would submit that the award dated 2<sup>nd</sup> December, 1999 passed by the Special Land Acquisition Officer came to be challenged by making reference u/s. 18 and Reference Court enhanced the compensation, which is challenged

in the present First Appeal.

3. Perusal of the record discloses that the Registrar (Judicial -I) has passed the conditional order on 31<sup>st</sup> January, 2005 and granted 14 days to pay the deficit Court fee. Learned AGP communicated this order on 1<sup>st</sup> February, 2005 to the Special Land Acquisition Officer. However, since the acquiring body did not make necessary arrangement for payment of Court fee till 23<sup>rd</sup> March, 2006, the amount was not deposited and it was only on 23<sup>rd</sup> March, 2006, the amount of Rs. 51,000/- towards Court fee was deposited. It is admitted fact that there is delay in payment of Court fee but it is sought to be justified on the ground that it was on the count that the amount was not received from the acquiring body and in such circumstances, claim of the Government should not be defeated and it is expedient in the interest of justice to set aside the dismissal of the First Appeal and particularly, when the amount of deficit Court fee has been deposited in the year 2006 itself. In such circumstances, the delay occasioned in filing the application for restoration is sufficiently explained and so also non-compliance of the order passed by the Registrar (Judicial-I).

4. In light of the aforesaid facts and circumstances of the case, I allow the Civil Application No. 5297/2008 in terms of prayer clauses (a) and (b). Registry is directed to register the First

Appeal and upon registration of the same, issue notice to the respondent, returnable after 6 weeks.

**SMT. BHARATI DANGRE, J.**