

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION NO. 2511 OF 2018
IN
LAND ACQUISITION REFERENCE NO. 1 OF 2018**

Dy. Collector (Land Acquisition) No.7,
Mumbai and MSDApplicant
(Original Applicant)

IN THE MATTER BETWEEN :

Dy. Collector (Land Acquisition) No.7
Mumbai and MSDApplicant
AND
S.N. Desai Hospitalities and
Developers, LLPClaimants
AND
The Commissioner, MCGM ...Acquiring Body

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Mr. J. Chandran, Mr. Shriniwasan Mudaliar, Ms. Spenta
Havewala i/by. Federal & Co., Advocate for the Claimants.

Mr. R.Y. Sirsekar and Mr. D.S. Shingade, Advocate for
MCGM-Acquiring Body.

Mr. Himanshu Takke, AGP for the State-applicant in NMS-
2511-2018.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 10th January, 2019.

P.C. :

1. Heard Mr. Takke, AGP for the applicant-State.

2. Vide this Notice of Motion, he seeks appropriate directions to the Prothonotary and Senior Master to refund the sum of Rs.1,50,000/- which was inadvertently paid by cheque as court-fees. It is submitted that, instead of paying the court-fees in accordance with the provisions of the Court Fees Act, 1870 inadvertently it was paid by cheque. It is submitted that his request for refund of the said amount and permitting him to pay it in terms of Section 25 read with Section 3 of the Court Fees Act has been declined by the Prothonotary & Senior Master.

3. The Prothonotary & Senior Master is directed to refund the sum of Rs.1,50,000/- to the applicant and the applicant is directed to pay the court-fees in subject LAR either by impressed or adhesive stamps within a period of one week from today. The Prothonotary shall ensure that the amount is refunded to the applicant within a period of one week from the receipt of this order.

4. With the aforesaid directions, the Notice of Motion is disposed of.

(SANDEEP K. SHINDE, J)