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FAT 363 of 2022
with
I.A No. CAN 1 of 2014 (Old CAN No. 1650 of 2014)
CAN 2 of 2014 (Old CAN No. 1656 of 2014)

Subhash Chandra Saraf & Anr.
Vs.
Smt. Premvati Goel & Ors.

Ms. Puja Tripathi
... For the Appellants

The appeal is of the year 2014. There is a delay of 69 days in preferring the appeal. That for the reasons best known, the matter was not placed before the lawzima court. The department seems to have been resurrected when we directed listing of all matters, where deficit court fees have not been paid. In this regard, the department filed a report on 5th December, 2022 wherefrom it appears that the appeal has been classified as 'FAT 363 of 2022' and the deficit court fees of Rs.21860/- have not been paid by the appellants. There has been a delay of almost eight years in classifying the appeal as 'FAT'. The reason for such delay is unknown.

On 26th August, 2014 a coordinate bench of this court directed to classify the appeal as FAT instead of FMAT. Surprising to note that the stamp reporter did not file any report with regard to the deficit court fees. It is only reflected in the revised report dated 5th December 2022.

The record shows that no attempt has been made by the appellants to put in the deficit court fees. On 8th December, 2022 learned advocate representing the appellants prayed two weeks time to put in such deficit court fees before the

Registrar Administration (L & OM). The Lawzima Court has no power to extend the time to put in such deficit court fees, once the period of limitation had set in. Admittedly the appeal as on date is time barred. No application has been filed by the appellants for extending the time to put in such deficit court fees till date.

It is clear that the appellants are not willing to proceed with the appeal and have intentionally filed the appeal depositing a paltry sum of Rs. 120/- just to keep the matter pending.

On such consideration, the appeal stands dismissed for not depositing the deficit court fees within the period of limitation and not for taking any step for putting the deficit court fees for the last eight years. The appeal as on date is time barred.

In view of dismissal of the appeal, CAN 1650 of 2014 and CAN 1656 of 2014 are also dismissed.

Registrar Administration (L & OM) is directed to enquire the delay in reclassifying the appeal from FMAT 121 of 2014 to FAT 363 of 2022 and not placing the appeal in the list for all these years and take appropriate steps so that in future such lapses does not occur. The department shall be cautioned for not complying with the Appellate Side Rules.

(Uday Kumar,J.) **(Soumen Sen, J.)**