

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

915 CIVIL APPLICATION NO.3082 OF 2022

IN

FA/3134/2019

VIJAYSINH NARAYAN GHUTE

VERSUS

**STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS**

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Advocate for Applicant: Mr. K. S. Patil
AGP for Respondent Nos.1&2: Mr. S. P. Deshmukh
Advocate for Respondent No.3: Mr. Shrimant Mundhe

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CORAM: SHRIKANT D. KULKARNI, J.

DATE: 08th APRIL, 2022

PER COURT:

1. Heard Mr. K. S. Patil, learned Counsel for the applicant / original claimant, Mr. S. P. Deshmukh, learned A.G.P. for the State / Respondent Nos.1 and 2 and Mr. Shrimant Mundhe, learned Counsel for Respondent No.3 / acquiring body.

2. It is revealed during the course of argument that the acquiring body has preferred appeals arising out of respective land acquisition references. This Court was pleased to call the Record and Proceedings in the respective

proceedings and this Court has received the Record and Proceedings from the reference Court. The learned Counsel for the applicant submits that there was deficit of Court fees and he wants to deposit the amount of deficit Court fees before the executing Court / reference Court and that is why he wants Record and Proceedings before the reference Court for taking necessary entries.

3. Mr. Mundhe, learned Counsel for the acquiring body strongly opposed to allow such prayer. He submitted that the appeal may be taken up for admission and there is no need to send back the Record and Proceedings to the reference Court. If applicant / original claimant wants to deposit deficit court fees, certainly, Record and Proceedings of the L.A.R. is required. It needs to be sent back to the reference court for taking necessary entry in the proceedings. There will be summer vacation in the next month and as such nothing would happen in a span of one month if the Record and Proceedings is sent back to the reference court with direction to accept the

deficit court fees and after taking necessary entry in the Record and Proceedings it be sent back. The purpose would be served.

ORDER

[I] The application is hereby allowed.

[II] The Record and Proceedings of L.A.R. No.768 of 2013 be sent back to the concerned reference Court for depositing deficit court fees in the proceedings by the original claimant.

[III] The reference court is directed to sent back the Record and Proceedings forthwith after compliance in second week of June-2022.

[IV] Registry to issue letter accordingly to the concerned reference Court for compliance.

4. Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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