

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

25 CIVIL APPLICATION NO.7858 OF 2022
IN FA/2052/2021

NOORA ISA PATEL
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALGAON
AND ORS

...
Advocate for Applicant : Sakshi A. Kale holding for Ajeet B. Kale
AGP for Respondents: Mr. P. M. Kulkarni
...

**CORAM : S. G. DIGE, J.
DATE : 11.07.2022**

PER COURT :-

Heard learned counsel for the applicant, learned AGP for respondent No.1 and 2 and learned counsel for respondent No.3.

Learned counsel for the applicant submits that applicant has filed appeal for enhancement of compensation granted by learned Civil Judge, Senior Division, Jalgaon in LAR No. 95 of 2019. The learned reference court has partly allowed the claim petition and has not granted proper enhanced compensation to the applicant which he is entitled. The appellant has filed this appeal for enhancement of compensation. Appellant has restricted his appeal. Now the appellant wants to enhance compensation and accordingly

appellant is ready to deposit the deficit court fee. Hence requested to allow the application.

3. Learned counsel for respondent No.3 submits that appellant is seeking enhancement more than his claim before the reference Court. Appellant should have deposited the amount before this Court while filing the appeal. Appellant has not made amendment in the pleadings in the appeal and instead of that appellant is praying to allow the appellant to deposit deficit court fee which cannot be done. Hence requested to dismiss the application.

4. Learned AGP support the argument of learned counsel for respondent No.3. Considering submission of the learned counsel keeping all points open I pass the following order.

ORDER

Application is allowed in terms of prayer clause 'B'.

**(S.G. DIGE,)
JUDGE**