

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

WRIT PETITION NO.6878 OF 2022

**MAHAVEER PANDURANG KORALE
VERSUS
UNION OF INDIA AND OTHERS**

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Advocate for Petitioners : Mr. Vivekanand V. Ingale
Advocate for Respondent Nos. 1 & 3 : Mr. R. B. Bhosale
Advocate for Respondent No.2 : Mr. A. V. Rakh

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 04th OCTOBER, 2022

PER COURT :

1. Petitioner is aggrieved by order dated 31/01/2018, passed by learned Ad-hoc District Judge-1, Omerga, below Exhibit-1, thereby dismissing Arbitration Appeal filed by petitioner, for non-payment of stamp duty within stipulated time.
2. I have duly considered rival submissions advanced by learned advocate for petitioner, learned advanced for respondent Nos.1 and 3 and learned advocate for respondent No.2.
3. Appeal filed by petitioner for enhancement of land acquisition compensation amount is dismissed by the appellate Court for non-payment of requisite Court fees within stipulated time.
4. Petitioner has claimed that due to communication gap

between the advocate and the petitioner, requisite Court fees could not be deposited within time stipulated by the Court.

5. Taking into consideration the fact that appeal is filed by petitioner for enhancement of compensation amount, fair opportunity needs to be given to petitioner to prosecute the appeal on merits.

6. In that view of the matter, the impugned order is quashed and set aside. Petitioner is directed to deposit requisite Court fees in the appellate Court within a period of four weeks from the date of receipt of writ of this order. Petitioner shall pay cost of Rs.25,000/- to the Maharashtra National Law University, Aurangabad, within a period of four weeks from today.

8. On petitioner depositing requisite Court fees and furnishing receipt of payment of cost, the appeal shall stand restored at its original stage.

9. Petitioner shall not be entitled to claim interest for the period from 20/07/2017 till today i.e. 04/10/2022.

10. With these directions, writ petition stands disposed of.

(NITIN B. SURYAWANSHI, J.)