

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA  
WRIT PETITION NO. 101 OF 2022**

|                       |                |
|-----------------------|----------------|
| Prasad Dileep Thally  | ... Petitioner |
| <i>Versus</i>         |                |
| Padmaja Prasad Thally | ...Respondent  |

**Mr. V. P. Thali, Advocate** with *Mr. Rajdeep Prabhugaonker,*  
*Advocate for the Petitioner.*

**CORAM: C. V. BHADANG, J**  
**DATED: 25 April 2022**

**P.C.**

1. Heard Mr. V. P. Thali, learned Counsel appearing for the Petitioner.
2. The Trial Court has asked the Petitioner to pay Court fee of ₹ 500/- on the Matrimonial Petition. The Petitioner claims that he is liable to pay ₹ 200/- only. Thus, the dispute is only in respect of ₹ 300/-.
3. The Respondent has chosen not to appear though served. According to the learned Counsel for the Petitioner, the claim falls under Section 7(iv)(c) of the Court Fees Act, 1870, (for short '*said Act*'). However, the Trial Court has gone by the state amendment to Article 17 of the Second Schedule of the said Act.
4. In my considered view, the issue is debatable and would require in-depth consideration as the same could have wide repercussions in future.

5. At this stage, Mr. Thali, learned Counsel appearing for the Petitioner, submitted that without prejudice to the contentions raised, the Petitioner shall deposit the balance court fees as directed by the Trial Court and the legal issue raised in the Petition may be left open. I find it to be the appropriate course to follow.

6. In the result, the Petition is disposed of.

7. The Petitioner is at liberty to deposit the balance court fees without prejudice to the contentions raised. The issue raised in the Petition is left open.

**C. V. BHADANG, J**

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