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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2222 OF 2008
IN
FIRST APPEAL (ST) NO. 12001 OF 2007**

The State of Maharashtra and Anr	Applicants
V/s.	
Sitabai Nivrutti Dhongade and Others	Respondents

Mr. N.B. Patil, AGP for the State-Applicants.

CORAM : GAURI GODSE, J.

DATE : 12th September, 2022.

P.C.

1. This Civil Application is filed on 22nd October 2007, for setting aside the Conditional Order passed by the Registrar(Judicial-I) on 4th June 2007, with a prayer for condonation of delay in filing Civil Application. The Order dated 4th June 2007 was passed by the Registrar(Judicial-I) on the application filed for extension of time to pay deficit court fees.
2. Since the Order was not complied, the First Appeal came to be rejected. Earlier, this Court had granted time to file on record a copy of the Order dated 4th June 2007. Perusal of the record shows that the said Order was recorded on the

Application being Civil Application No. 3135 of 2007, filed for extension of time to pay deficit court fees. This application as well as Order is part of the record.

3. The impugned Judgment and Order is of the year 2007 granting enhancement of compensation to the Respondents. It will be in the interest of justice to direct the Applicant to deposit the entire amount as per the impugned Judgment and Order in the Trial Court within a period of 12 weeks from today, in the event the same is not yet deposited.

4. Hence, following Order is passed:

i) Civil Application is allowed in terms of prayer clauses (b) and (c), subject to condition that the entire amount of compensation as per the impugned Judgment and Order is deposited in the Trial Court within a period of 12 weeks from today, if not yet deposited and file compliance affidavit within a period of two weeks thereafter.

ii) Prayer clauses (b) and (c) read as under:-

“b) That this Hon’ble Court be pleased to condone the delay in preferring the above mentioned Civil Application for setting aside the conditional order passed by Additional Registrar on 04/06/2007;

c) That this Hon’ble Court be pleased to set aside the conditional order passed by Additional Registrar on 04/06/2007 and allow the

Applicant to deficit Court fees in the above mentioned matter;”

5. The Respondents/Claimants will be at liberty to make an application for withdrawal of compensation amount if not yet withdrawn, in the event the amount is already deposited or once the amount is deposited as directed in clause 4(i) above.
6. Application stands disposed of in the above terms.

[GAURI GODSE, J.]