

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2997 OF 2019

Krishna Construction Company and Anr. .. Petitioner

Versus

Siddharaj Builders and Developers and Ors. .. Respondents

-
• Ms. Lalita H. Panchakshari, Advocate for Petitioner
.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 20, 2023

P.C.:

- 1.** Heard Ms. Panchakshari, learned Advocate for Petitioner.
- 2.** The issue involved in the present Writ Petition is narrow. The Maharashtra Government issued a notification dated 01.10.1994 exempting women litigant from paying payment of Court fees. In the present case the original suit filed by the Petitioner was a few months prior to the date of notification.
- 3.** In the present case Petitioner was Defendant No.1 in the suit. The suit came to be partly decreed on 02.02.2018.
- 4.** Being aggrieved the Petitioner filed appeal and in that appeal the learned Appellate Court passed order dated 04.04.2018 holding that Appeal being in continuation of the suit proceedings, Appellant was not entitled from exemption of any Court fee.

5. Admittedly, the Petitioner was not the prosecutor / Plaintiff prosecutor of the original suit. She filed Appeal in the first instance in the year 2018 and therefore would be entitled for exemption at that time.

6. In that view of the matter, the impugned order dated 04.04.2018 is not sustainable and is quashed and set aside.

7. In view of the aforementioned timeline, learned Appellate Court is directed to decide the Appeal proceeding between the parties as expeditiously as possible.

8. With the above direction, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date: 2023.02.23
11:04:25 +0530