

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO.113 OF 2023

IN

FIRST APPEAL (ST.) NO.8939 OF 2022

(Uddhav Malhari Khodke Vs. The State of Maharashtra and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri K.S. Narwade, Advocate for the appellants.
Ms T. Udeshi, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 30, 2023.

Heard.

2. By this application, the appellants are seeking setting aside the order dated 03/01/2023 passed by the Registrar (Judicial) and to restore the First Appeal (St.) No.8939/2022.

3. It is further submitted by the learned Counsel for the appellants that the appellant has filed the appeal within time by seeking time for payment of deficit court fee. However, the appeal came to be dismissed for want of removal of office objection(s). One of the office objection was non-payment of deficit court fee. In fact, the appellant has received the amount of enhancement on 03/01/2023. On receipt of the amount, he contacted the Counsel and he came to know that on non-depositing the court fee, the registration of the first appeal was rejected.

4. In view of the reasons mentioned in the application and now the appellant is ready to deposit the deficit court fee and to remove the office objection(s).

5. Removal of the office objection(s) and on depositing the court fees, the order passed by the Registrar (Judicial) be set aside and the appeal be restored.
6. The miscellaneous civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*