

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

**CIVIL APPLICATION NO. 177 OF 2023 IN
MISC. CIVIL APPLICATION (ST.) NO. 2207 OF 2023 IN
FIRST APPEAL (ST.) NO. 2101 OF 2022**

(Mohan s/o Pandu Rathod Vs. The State of Maharashtra and anr.)

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

Court's or Judge's Order

Shri N.B. Kalwaghe, Advocate for the appellant.
Shri Mangesh Kadu, A.G.P. for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 08, 2023.

By preferring this application, the appellant is seeking condonation of delay of 97 days which is caused in filing the application for restoration of the appeal.

2. As per the contention of the appellant, the appeal was under objection as deficit court fee was not deposited. As the appellant failed to deposit the said amount, the registration of the appeal is rejected.

3. It is the contention of the appellant that by preferring the appeal, the appellant has sought enhancement of the compensation. As the landed property of the appellant is already acquired by the Government, the appellant was not having any source of income to deposit court fee. The amount was also not deposited at the time of filing of the appeal and they could not get the amount of compensation and hence, could not deposit the deficit court fee, and therefore, the registration

of the appeal was rejected. Now the Court fee is available with the appellant and he will deposit the deficit court fee, and therefore, he be permitted to deposit the deficit court fee by condoning the delay.

4. In view of the reasons mentioned in the application, delay of 97 days is condoned.

5. Civil application is disposed of.

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On depositing the deficit court fee the appeal be restored at its original stage.

2. The appellant to deposit the deficit court fee within two weeks. On failure to deposit the same, the appeal stand dismissed without further reference to the Court.

(URMILA JOSHI-PHALKE, J.)

**Divya*