



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.13551 OF 2017
IN
REJECTED CASE NO.670 OF 2013
IN
FIRST APPEAL ST. NO.3156 OF 2013**

Ramcharan Govindcharya Jewalikar,
Died, through L.Rs.

vs.

The State of Maharashtra

Mr.S.N.Patne, Advocate for applicants
Mrs.V.S.Choudhary, APP for respondent-State

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : APRIL 02, 2024

ORDER :-

This is an application for recalling of the order dated 28.03.2014 in Civil Application No.13937 of 2013 in First Appeal (Stamp) No.3156 of 2013.

2. Heard learned counsel for the applicant and learned AGP for the respondent-State.

3. Learned AGP submits that there is exorbitant delay and therefore, the order dated 28.03.2014 may not be recalled.

4. The order dated 28.03.2014 passed by this court reads thus:-

Learned Counsel appearing for the applicants submits that, since the appellants did not deposit court fees within time, Registrar (Judicial) has refused registration of the appeal. The appellants are ready to deposit court fees within four weeks from today.

2. In the light of statement of the Counsel appearing for the appellants, the order dated 07/05/2013 passed by the Registrar (Judicial) is quashed and set aside. Delay in filing this application is condoned. However, we make it clear that, the order of the Registrar (Judicial) is quashed and set aside, since the appellants agreed to deposit court fees within four weeks from today. In case, court fees is not deposited within four weeks from today, the order passed by the Registrar (Judicial) dated 07/05/2013 will get automatically revived on expiry of four weeks period. Civil Application stands disposed of.

5. The applicants/claimants' land has been acquired. The State has also filed appeal against the award passed by the reference court.

6. It is submitted by learned counsel for the applicants that due to financial constraints, the applicants were not in a position to pay the court fee. He submits that now, the applicants are ready to pay the court fee.

7. Considering the above ground that the applicants were not able to pay the court fee due to financial constraints, we are inclined to revive the order dated 28.03.2014, however, subject to

filing an undertaking by the applicants that they will not claim interest for the said period, i.e. from 28.03.2014 till the date of this order, we pass the following order:-

8. The order dated 28.03.2014 is recalled, subject to the applicants filing undertaking that they will not claim interest for the said period, i.e. from 28.03.2014 till the date of this order, on the amount enhanced, if any. The application stands disposed of accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP