



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

10 WRIT PETITION NO. 6537 of 2017

Archana Tanaji Jadhav & others

....Petitioners

VERSUS

Shambaji Papa Shriram Kendre
Died Lrs Shobhabai Shambhai Kendre
& others

.....Respondents

.....

Mr. S. B. Choudhari, Advocate holding for Mr. S. B. Ghute, Advocate
for the Petitioners.

CORAM : R. M. JOSHI, J.

DATE : 15th JULY, 2024.

PER COURT :

1. Heard.
2. Petitioners/claimants in MACP No 70/2011 make a grievance that application along with affidavit filed for payment of balance Court fees of Rs. 8,833/- is not accepted by the Tribunal. Since the application was not accepted, no order came to be passed thereon.
3. Perusal of order dated 12.07.2016 does not show that for non-payment of deficit Court fees within two weeks, the claim

petition was to be dismissed without reference to the Court. There is no order of dismissal of the claim petition for non-payment of Court fees. The learned Tribunal by order dated 11.05.2016 has allowed the said Petition.

4. In view of the aforestated position, learned Tribunal is directed to take cognizance of the application and pass appropriate order keeping in mind that the proceeding before it is for seeking compensation in respect of death of father of claimants. The Tribunal is also to consider the inherent powers under Section 151 read with Section 149 of the Code of Civil Procedure. Petitioners to move the application before the Tribunal for payment of balance Court fees.

5. Petition stands disposed of in above terms.

(R. M. JOSHI)
Judge

dyb