2024:BHC-AUG:15590

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 107 OF 2024

1. Risa w/o Umesh Yadav
2. Arohi Umesh Yadav
3. Tarachand Sudam Yadav
4. Sanmati w/o Sudam Yadav — Applicants

Versus

1. The Manager
United India Insurance Co. Ltd.
2. Sachin Bajarang Kawade
3. Ashish Umesh Yadav
4. The Registrar (Judicial)
High Court Bombay, Bench
at Aurangabad. — Respondents

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Mr. K.N. Shermale, Advocate for the applicants.
Mr. C.K. Shinde, Advocate for respondent No.4.

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CORAM : **SANDIPKUMAR C. MORE, J.**
DATED : **25 JULY 2024**

Order :

1. Heard rival submissions on admission.

2. The applicants, who are the original claimants in Motor Accident Claim Petition No. 65 of 2018, have challenged the order dated 27.06.2024 passed by the Taxing Officer of this Court asking them to pay deficit court-fees of Rs.

21,600/-, in view of the office objection.

3. The applicants have claimed that they had filed aforesaid M.A.C.P. No. 65 of 2018 in the Court of Member, Motor Accident Claims Tribunal, Sangamner for getting total compensation of Rs. 50,00,000/- (Rupees Fifty Lakh) on account of accidental death of one Umesh Tarachand Yadav. The learned Tribunal, after adjudication of the claim, awarded compensation of Rs. 13,80,200/-. Now the applicants are claiming that they have presented appeal before this Court for enhancement of compensation, but for the purpose of court-fees, they restricted their claim amount to Rs. 5,00,000/- and have paid court-fees of Rs. 7,215/- thereon.

4. The office has raised an objection and therefore, Taxing Officer has passed the impugned order by relying on the judgment of this Court in **First Appeal No.4475 of 2017** in the case of **Govind Shamrao Bansode vs The State of Maharashtra and another**. This Court, in the aforesaid case, has clearly held that though the compensation amount in the appeal is claimed at higher rate, but for the purpose of payment of court-fee it cannot be restricted to certain lower amount, as such practice is not permissible under law.

5. Learned Counsel for the applicants placed relied on the another order of this Court dated 13.02.2024 in CRA No. 162 of 2023, wherein it has been observed as follows :

> "It would have been otherwise if the learned Tribunal, Latur had allowed the claim of compensation of the petitioners partially. In that case the act of petitioners of restricting their claim only to the short fall of entire claim, would be justified"

It is extremely important to note that in the aforesaid order also, the practice of restricting the claim amount to certain lower amount than the compensation claimed, has been deprecated.

6. It is significant to note that the applicants, before the learned Tribunal, had claimed compensation of Rs. 50,00,000/-, but the Tribunal granted them compensation of Rs. 13,80,200/-. The Taxing Officer of this Court has therefore come to the conclusion that the compensation granted by the learned Tribunal needs to be deducted from the total claim amount of Rs. 50,00,000/-, and therefore, the applicants are required to pay court-fee on short fall of the entire claim i.e. Rs. 36,19,800/-. Such act of computation of court-fee done by the Taxing Officer is absolutely correct as

per the aforesaid observation of this Court. Therefore, the applicants are definitely liable for payment of deficit court-fee of Rs. 21,600/- as calculated by the Taxing Officer. As such, there is no substance in the application and it stands dismissed accordingly.

7. The learned Counsel for the applicants, after pronouncement of the order, submits that the order of dismissal may kindly be stayed for further period of eight weeks. However, the order is passed on merit, and therefore, the request made by the learned Counsel for the applicants stands rejected.

(SANDIPKUMAR C. MORE, J.)

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