



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**CIVIL REVISION APPLICATION NO. 162 OF 2023**

Vivek Ravikumar Badgire and  
others

Petitioners

Versus

Saheblal Mainoddin Almale  
and others

Respondents

...

Mr. Sharad V. Natu, Advocate for the petitioners.  
Mr. C.K. Shinde, Advocate for respondent No. 4.

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**CORAM : SANDIPKUMAR C. MORE, J.**

**Dated : 13 February 2024.**

**Order :**

1. Heard learned Counsel for the petitioners as well as learned Counsel for respondent No.4 and also perused the impugned order.

2. The petitioners, who are the appellants in First Appeal (St.) No.8577 of 2022, have challenged the order dated 10.08.2023 passed by present respondent No.4 i.e. the Taxing Officer of this Court regarding objection on account of deficit court-fees in this appeal. Under the aforesaid impugned order, respondent No.4 has directed the petitioners to pay deficit court-fees of Rs. 54,985/- in their aforesaid appeal.

3. Learned Counsel for the petitioners submits that

the petitioners had filed Motor Accident Claim Petition in respect of accidental death of one Ravikumar Badgire bearing Motor Accident Claim Petition No.68/2014 before the M.A.C.T. Latur for getting compensation of Rs. 1,07,47,580/-. However, the said Tribunal dismissed the claim vide judgment and award dated 18.02.2021. Against the said judgment and order the petitioners have filed the present appeal wherein objection in respect of deficit court-fees was raised. Learned Counsel for the petitioners vehemently argued that respondent No.4 erroneously relied on the judgment of this Court in First Appeal No. 4475 of 2017 in the case of Govind Bansode vs State of Maharashtra and another and further submitted that observation in that appeal was limited to the facts of that appeal only and it cannot be relied upon as binding precedent in the instant matter. He pointed out that the petitioners have already restricted their claim in the appeal to Rs. 6,00,000/- and also deposited the court-fees of Rs. 16,430/- on the said amount, which is sufficient.

4. On the contrary, learned Counsel for respondent No.4 supported the impugned order and pointed out that there is no provision in the law for any such restriction of the claim as contended by the petitioners.

5. Admittedly, this Court, in the judgment cited supra, has observed that restriction of claim for the purpose of court-fees in the appeal is not permissible under the law. Further, as per Section 7 (2) (ii) of the Maharashtra Court-fees Act, the petitioners are required to pay half of the total ad valorem fee leviable on the amount at which the relief is valued. Admittedly, the petitioners have restricted their claim to Rs. 6,00,000/- as against the claim of Rs. 1,07,47,580/- and also deposited the required court-fees of Rs. 16,430/-. However, the main question involved in this matter is, whether such restriction is permissible in the eyes of law. It is extremely important to note that the entire claim of compensation for Rs. 1,07,47,580/- of the petitioners was dismissed by the learned Tribunal, Latur on merit. As such, it appears that by filing appeal against such dismissal, the petitioners have carried their same claim before the appellate Court. When restriction of claim is not permissible under the provisions of Maharashtra Court-fees Act, then the petitioners are liable for depositing the entire court-fees on the original claim amount i.e. Rs. 1,07,47,580/-. 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. However, in absence of such circumstance and in the light of legal provision under Section 7 of the Maharashtra Court-fees Act, the petitioners are definitely required to pay total court-fees of Rs. 71,415/-. Therefore, there is no perversity in the impugned order passed by respondent No.4 i.e. the Taxing Officer of this Court. Accordingly, the Civil Revision Application stands dismissed.

6. After pronouncement of order, the learned Counsel for the petitioners seeks six weeks' time to deposit the required court-fees. Time as prayed, is granted.

**(SANDIPKUMAR C. MORE, J.)**