

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 14986 OF 2024
IN
FIRST APPEAL NO. 201 OF 2021

Mahadu Tukaram Ambike ...Applicant

IN THE MATTER BETWEEN :

Mahadu Tukaram Ambike ...Appellant

Versus

The Land Acquisition Officer No. 3, Pune
& Ors. ...Respondents

Ms. Amrita Kharkar i/b Ms. P. H. Potnis for the Applicant/Appellant.
Mr. A. R. Patil, Addl.G.P. for the State-Respondent.

CORAM : ADVAIT M. SETHNA, J.

DATE : 17 DECEMBER 2024

P.C.:

1. By this interim application, the learned counsel for the applicant/accused has prayed for amendment in the first appeal to be allowed in terms of Schedule-A, which reads thus,

“Schedule-A

1. Delete on Pg. No. 2
Restricted Claim: Rs. 7,000/-
2. Delete on Pg. No. 2
Court Fee payable on restricted claim: Rs. 510/-
3. Add on Pg. No. 2 below Claim Amount Rs. 34,435/-
Court Fee Rs. 2,575/-
4. Delete on Pg. No. 11 the sentence
Since the Appellants do not have sufficient resources to pay the Court Fee they are restricting their claim to Rs. 7,000/- only.
5. Delete on Pg. No. 12 point 3 and 4 under Court Fee

heading-

But since the Appellants do not have money to pay the Court fee they are restricting their claim to Rs. 7,000/- and the Court fee for the same is Rs. 510/- is being paid herewith. That the Hon'ble Court may kindly be pleased to allow the Appellants to pay the additional Court fee once the Claimants have managed the sum."

2. The amendment is essentially in the nature of enhancement of the claim amount in the light of reasons set out in the said interim application.
3. The learned AGP for the respondent-State is not having any objection in this regard.
4. Having perused the interim application alongwith the schedule for amendment, I find that a case is made out for allowing such amendment as prayed for.
5. Accordingly, the interim application is allowed in terms of prayer clause (A) and disposed of.
6. The amendment shall be carried out within a period of 6 weeks from today. Copy of the amended proceedings shall be served to the respondents on or before the next date of hearing.
7. List the matter on **11 February 2025** alongwith the connected matters.
8. The learned counsel for the applicant/appellant requests for payment of the enhanced court fees pursuant to the amendment, i.e. allowed to be carried out.
9. Such enhanced court fees be paid in accordance with the rules within a period of 6 weeks from today.

[ADVAIT M. SETHNA, J.]

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