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42-CA-7906-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 CIVIL APPLICATION NO. 7906 OF 2024
IN FA/3113/2024

Gmidc Through Executive Engineer Jalna And Ors
VERSUS
Laxman Ranu Wagh Died Thr Lrs Nilabai Laxman Wagh And Ors.
WITH
CIVIL APPLICATION NO. 3989 OF 2025
IN FA/3113/2024

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Ms. Kalpalata Bharaswadkar Patil, Advocate for Applicant (Through VC).
Mr. A. S. Jagtap h/f Mr. R. K. Shingnapure, Advocate for respondent.

CORAM : KISHORE C. SANT, J.

DATE : 29th SEPTEMBER 2025.

PC :-

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1. Heard the learned Advocates for the parties.
2. This application was filed under misconception that the appeal is dismissed in view of conditional order. The learned Advocate submits that, however, it is later on noticed that no such disposal order is passed in the said matter. The application is, therefore, redundant and same is

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disposed off as such.

3. So far as objection in the first appeal in respect of deficit court fees is concerned, the learned Advocate submits that learned SLAO had awarded the compensation of Rs.9,91,573/-. The learned Reference Court enhanced the said compensation by Rs.12,52,551/-. She submits that while giving the claim for jurisdiction and court fees, wrongly it is mentioned as Rs.22,44,124/-. In fact, the court fees are required to be paid only on the enhanced compensation of Rs.12,52,551/-. She further submits that she has already deposited the court fees of Rs.28,830/- which is sufficient.

4. This Court has gone through the impugned judgment and order, it is seen that the amount is enhanced by Rs.12,52,551/- in paragraph 33 of the judgment. This Court finds substance in the submission of learned Advocate Ms. Patil.

5. In view of the same, this Court finds that stamp duty paid of Rs.28,830/- is sufficient. Only because of the mistake in the footnote, the office has calculated the stamp duty on the entire amount of

Rs.22,44,124/-. The office objection about deficit court fees needs to be removed.

6. With this, application stands disposed off.

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7. This application is filed for stay to the impugned judgment and award. It is pointed out that the amount as per the award is already deposited in the office of this Court and the same also accepted by the claimant.

8. Considering above, application stands allowed and disposed off.

9. There shall be stay to the impugned judgment and award till final disposal of the appeal.

FIRST APPEAL

10. Heard

11. Admit.

12. Call for record and proceedings.

[KISHORE C. SANT, J.]