



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**920 CIVIL APPLICATION NO. 6061 OF 2024
IN FAST/10180/2024**

CHHAYA RAMESH KUNDARE AND ORS
VERSUS
DNYANESHWAR RATAN KALE AND ANR

Mr. S.S. Dargad, Advocate for the applicants.
Mr. S.R. Bagal, Advocate for the respondents.

CORAM : KISHORE C. SANT, J.
DATE : 08.10.2025

PC :-

01. This application is moved as office note shows that the applicant has not removed office objection and appeal is therefore not yet registered.

02. Learned Advocate for the applicants submits that office objection is as regards deficit Court fees. He submits that while filing the appeal, the appellant has restricted his claim to Rs. 1 lakh only and Court fees of Rs. 3215/- is paid thereupon is sufficient. The office has, however, calculated Court fees on the basis of original claim which was for Rs. 55 lac and by deducting amount of compensation already granted. Learned Advocate for the applicant submits that in the present appeal, the claimants have restricted claim to Rs. 1 lakh only. The Court fee paid of Rs. 1 lac is sufficient being an appeal under the Motor Vehicles Act and as the claim is restricted. He relies upon judgment passed by this Court in the case of Shivshankar Khandu Udtewar Vs. Sanjay Baburao Waghmare, reported in 2025 DGLS (Bom) 2350.

03. This Court has taken a view that in view of Section 7 of the Maharashtra Court Fees Act that, it is permissible for the claimants under the Motor Vehicles Act to restrict claim in the appeal. The wording of Section 7 shows that Court fees is paid on the amount "claimed". Court fees is not depended on the amount claimed in the Tribunal.

04. Considering the above, the office objection so far as depositing Court fee is concerned, stands waived. Office to register the First Appeal.

05. This Civil Application stands disposed off.

[KISHORE C. SANT, J.]