



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

**913 CIVIL APPLICATION NO. 6021 OF 2025  
IN FAST/8795/2024**

NILOFAR JAFARKHAN PATHAN AND ORS

VERSUS

DIGAMBAR ARJUN SHENDE AND ORS

Mr. V.S. Badakh, Advocate for the applicants.

**CORAM : KISHORE C. SANT, J.  
DATE : 30.09.2025**

**PC :-**

01. At the outset, learned Advocate for the applicant seeks to add prayer for condonation of delay. The amendment be carried out forthwith.

02. Heard learned Advocate for the applicant. This application is for restoration of First Appeal St. No. 8795 of 2024. Registration of said appeal was refused on the objection of Court fees. Learned Advocate for the applicant argues that in-fact no Court fee is required on the entire amount of difference between the amount claimed and the amount granted by the Trial Court. The Court fee is leviable only on the claim amount in the appeal. In the appeal he has specifically restricted his claim to Rs.2 lakhs and sufficient Court fee is paid thereon.

03. The learned Registrar (Judicial) of this Court by a common order dated 11.06.2024 had directed the parties to remove office objection and in-case of failure, the matters were to be dismissed. In the present case the applicant could not satisfy the office about

sufficiency of the Court fees, the Registration came to be refused.

04. Learned Advocate for the applicant relies upon judgment passed by this Court dated 07.08.2025 in Civil Revision Application No. 106 of 2025. This Court by considering the provisions of Section 7 of the Maharashtra Court Fees Act, held that appeal arising out of the Motor Vehicles Act and from the judgment and award of Motor Accident Claim Petitions, the claimants can restrict their claim in the appeal and need not pay Court fees on the entire amount.

05. Considering the above cited judgment, this Court is satisfied that the appellant can restrict his claim to the extent of amount claimed in the appeal. Considering this, following order :-

- i) This Civil Application is allowed.
- ii) Delay stands condoned.
- iii) The First Appeal stands restored.
- iv) Objection as regards payment Court fees stands waived.

### **FIRST APPEAL**

01. Heard. Issue notice to the respondents, returnable on 09.12.2025.

**[KISHORE C. SANT, J.]**