IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 FIRST APPEAL NO. 2337 OF 2023

Bhaskar Vinayak Lande Through His Next Friend Vijay Bhaskar Lande
VERSUS
Shailendra Janardhan Murdare And Anr
...
Advocate for Appellant : Mr. R.B. Dhakane
...

WITH
CRA NO. 1 OF 2023

Shankar Savleram Zhambre And Another
VERSUS
The Taxing Officer And Ors
...
Advocate for the Petitioner : Mr. R.B. Dhakane
Advocate for Respondents : Mr. Arpit S.Takale h/f Mr. C.K. Shinde

WITH
CIVIL APPLICATION NO. 9356 OF 2025
IN/WITH CRAST/10110/2025

Archana Indrabhan Kadam And Others
VERSUS
The Taxing Officer, High Court of Bombay Bench At Aurangabad And Others
...
Advocate for Applicant : Mr. R.B. Dhakane
Advocate for Respondents : Mr. Arpit S.Takale h/f Mr. C.K. Shinde
.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 27th NOVEMBER 2025

PER COURT :-

1. In first appeal, learned advocate for the appellant pointed out the order passed by this court on 4.4.2025 directing the appellant

to deposit the deficit court fees. Learned advocate for the appellant submitted that he has paid the court fees on the amount of Rs.1,00,000/-. He pointed out the section 173 of the Motor Vehicles Act, 1988 r.w. clause (2) of Section 7 of the Maharashtra Court Fees Act and submitted that the claimants may restrict their claim and sufficient court fees is paid. Therefore, it is not necessary to pay the court fees. Statement of learned advocate for the appellant is accepted and if this court comes to the conclusion that the amount of compensation is to be enhanced, in that case, this court can direct the appellant to deposit the deficit court fees accordingly. Thus, it is clarified that it is not necessary to remove the office objection by the appellant.

2. In so far as the civil revision application No.1 of 2023 is concerned, the same is filed against the order passed by the learned Taxing Officer for paying the deficit court fees. Learned advocate for the applicant also pointed out Section 173 of the Motor Vehicle Act, 1988. For the reasons stated in the civil revision application, the same is allowed and disposed of by setting aside the order of Taxing Officer, dated 09.11.2022.

3. In so far as the civil application No. 9356 of 2025 is concerned, the same is filed for condonation of delay of 1544 days

caused in filing the civil revision application. Perused the application and heard learned advocates for both sides. Learned advocate for respondents strongly opposed the application. Considering the reasons stated in the application, it appears that the delay caused is not deliberate and intentional. Therefore, the application is allowed. The delay caused in filing the civil revision application is condoned in the interest of justice.

4. In civil revision application no. 10110 of 2025, issue notice to the respondents, returnable on 18.12.2025. Mr. Arpit S.Takale h/f Mr. C.K. Shinde, waives notice of respondent No.1.

(SANJAY A. DESHMUKH, J.)

rlj/