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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8468 OF 2025  
IN  
FIRST APPEAL (STAMP) NO.27279 OF 2024  
WITH  
CIVIL APPLICATION (STAMP) NO.27280 OF 2024

ANITA SHIVAJI SHINDE AND ORS  
VERSUS  
BHAPUSAHEB KACHARU TODMAL AND ORS

...  
Shri Badakh Vishal S., Advocate for the Applicants.

...

CORAM : KISHORE C. SANT  
&  
SUSHIL M. GHODESWAR, JJ.

DATE : 22 January 2026

P. C. :-

1. This application is filed seeking restoration of the First Appeal and the Civil Application for condonation of delay, which were dismissed in view of the conditional order dated 26.11.2024 passed by the learned Registrar (Judicial) of this Court.

2. The objection was as regards payment of deficit court fees in the appeal. It is the case of the applicants that in the appeal, the claimants are now restricting their claim only to Rs.2

lacs and considering that amount, sufficient court fee is paid. However, the office raised an objection that the claimants have to pay court fees considering the amount of difference between the amount claimed and the amount awarded by the learned Motor Accident Claim Tribunal.

3. The learned advocate for the applicants relies on the order passed by this Court in Civil Application No.6021/2025 in First Appeal (stamp) No.8795/2024 (*Nilofar Jafarkhan Pathan and others vs. Digambar Arjun Shende and others*) wherein, this Court while passing the order dated 30.09.2025, considered the judgment dated 07.08.2025 passed by this Court in Civil Revision Application No.106/2025 (*Shivshankar Khandu Udtewar vs. Sanjay Baburao Waghmare and others*).

4. Considering the above, this Court is satisfied that the court fee, which is required to be paid, is to be paid only on the amount claimed in the appeal in cases where the original claimant files an appeal. This Civil Application is allowed. The First Appeal and the Civil Application for condonation of delay stand restored to their original stage.

5. It is made clear that in case this Court grants more

amount than the amount claimed, the applicants/ appellants shall liable to pay court fees on such enhanced amount.

6. Issue notice to the respondents in Civil Application No.27280/2024, returnable on 20.02.2026.

*kps*

(SUSHIL M. GHODESWAR, J.)

(KISHORE C. SANT, J.)