IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

907 CIVIL APPLICATION NO. 851 OF 2024
IN FAST/36216/2023

SHIVAJIRAO SHANKARRAO NIPANIKAR
VERSUS
RAVINDRA DATTATRAY RASKAR AND ANR
...
Advocate for Applicant : Mr. Sushant Baburao Choudhari.
…

AND

908 CIVIL APPLICATION NO. 852 OF 2024
IN FAST/36244/2023

SURAYYA NABILAL SHAIKH AND ORS
VERSUS
SUKHLAL UDAYRAM GURJAR
...
Advocate for Applicant : Mr. Sushant Baburao Choudhari.
…

AND

911 CIVIL APPLICATION NO. 12057 OF 2025
IN FAST/32605/2025

JAYSHRI W/O SUKHDEO UNDE DIED THROUGH LRS SANKET AND ORS
VERSUS
VIKAS S/O PARMESHWAR PAWAR AND ANR
...
Advocate for Applicant : Mr. Sushant Baburao Choudhari.
…

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 12th March, 2026.

P.C.:

1 These are the applications for condonation of delay caused in filing the respective first appeals.

2 Office objection regarding deficit court fees is raised by the office in these applications.

3 The learned counsel for the applicants submitted that the claimants have restricted the claim by praying enhancement only upto Rs.3,00,000/-. Therefore, the claimants are liable to pay the court fees for the compensation of Rs.3,00,000/-. For that purpose, he is relying upon the judgment of this Court dated 7th August, 2025 passed in ***Civil Revision Application No.106 of 2025 (Shivshankar s/o Khandu Udtewar Vs. Sanjay s/o Baburao Waghmare and others)*** with connected civil revision applications, in which in paragraph Nos.22 and 23 this Court held as under:-

> "**22.** It's a common knowledge that even if some amount is awarded by the Tribunal, the amount would not get disbursed unless a recourse to execution is taken for realizing the amount awarded by the Tribunal. In case a total rejection of the claim hardship is of greater magnitude. It cannot be lost sight of that the Claimant has to pay entire Court fees in the Tribunal, notwithstanding decision of the claim. Considering these situations concession to restrict the relief to a particular value is provided. This aspect is totally ignored by the Taxing Officer while compelling the Appellant to pay Court fees according to difference between the amount awarded and the amount claimed.

23. It needs to be mentioned that there can be no difference in the appeal preferred by Claimant against complete rejection of his claim and partial rejection of his claim. In both circumstances, the Appellant is entitled to restrict the relief to a particular value for payment of Court fees. Therefore the decision of learned Single Judge in the matter of Vivek Ravikumar Badgire (supra) on which the reliance is placed by learned Taxing Officer cannot be made applicable. In that case entire claim was rejected by the Tribunal and while preferring appeal, relief was restricted to a particular amount. The above aspect is not brought to the notice and it is recorded that such a restriction is not permissible in the eyes of law."

4 In view of the law laid down by this Court, the claimants are at liberty to restrict the relief to a particular value and then pay the court fees for it. Therefore, the office objections are not sustainable.

5 In view of the above, paying of court fees is not necessary. Hence, issue notice to the respondents in all these applications, returnable on 10th June, 2026.

[SANJAY A. DESHMUKH, J.]

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