IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 233 OF 2025

Nagu Laxman Bhandare
Since deceased through his L.Rs.
Laxman Nagorao Bhandare and another .. Applicants

Versus

The State of Maharashtra, through
the District Collector, Latur and others .. Respondents

Shri Dr. R. R. Deshpande, Advocate h/f Ms. Priyanka R. Deshpande, Advocate for the Applicants.
Shri S. N. Morampalle, Advocate for the Respondent Nos. 1 to 3.
Shri C. K. Shinde, Advocate for the Respondent No. 4.

CORAM : SHAILESH P. BRAHME, J.

CLOSED FOR ORDER ON : 20.02.2026
ORDER PRONOUNCED ON : 25.02.2026

FINAL ORDER :

. Being aggrieved by the order dated 18.09.2025 passed by the Taxing Officer directing the appellant to pay deficit court fees of Rs. 17,500/-, present revision has been preferred.

2. Applicant has challenged judgment and award dated 20.11.2010 passed in L.A.R. No. 195 of 2001. A court fees of Rs. 23,950/- is paid at the time of filing of appeal. An objection was raised by the office that Court fees of Rs. 41,450/- should have been paid. The matter was referred to the Taxing Officer, who passed impugned order.

3. Learned counsel for the applicants submits that Rs. 10,20,000/- is amount awarded by the Reference Court and the amount claimed is Rs. 20,40,000/-. For the difference of the amount court fees of Rs. 23,950/- has been paid, which is adequate. It is submitted that the payment of court fees is inconsonence with Sec. 7(1) of the Maharashtra Court Fees Act (for the sake of brevity and convenience hereinafter referred as to the "Act"). It is submitted that the Taxing Officer has committed patent illegality in holding that amount claimed is Rs. 40,80,000/-, which is not the claim in the present appeal. It is submitted that the reliance on the **judgment dated 21.09.2018 of the Coordinate Bench in the matter of Govind Shamrao Bansode Vs. The State of Maharashtra and others in First Appeal No. 4475 of 2017** is misplaced. It is further submitted that the claim of the applicant before the Reference Court cannot form basis for determining the Court Fees and, therefore, impugned order is perverse.

4. Per contra, learned counsel Mr. C. K. Shinde appearing for the respondent No. 4 would submit that the Taxing Officer has rightly appreciated that claim of the appellant is of Rs. 40,80,000/- and he was only granted Rs. 10,20,000/-. Appeal is being filed for the difference of the amount and, therefore, applicant is rightly held liable to pay Rs. 41,450/-.

5. I have considered rival submissions of the parties. Appellant's land to the extent of 10 Acres 08 Guntha stood

acquired. The rate of Rs. 92,000/- per Hectare (Rs. 36,800/- per acre) was offered treating it as dry land. The claimant aspired rate of Rs. 4,00,000/- per acre as the land is irrigated land. The Reference Court by impugned judgment enhanced the rate to Rs. 2,50,000/- per hectare i. e. (Rs. 1,00,000/- per acre). Thus the compensation awarded by the Reference comes to Rs. 10,20,000/- treating land as dry land. Applicant claims that his land is irrigated land and he is entitled to receive compensation of Rs. 20,40,000/-.

6. Applicants had claimed rate of Rs. 4,00,000/- per acre before the Reference Court that is not the claim in the present appeal. The claim in the present appeal is to the extent of Rs. 10,20,000/-, which is the disputed amount as per the explanation to Sec. 7 of the Act. This aspect is over looked by the Taxing Officer. The glaring aspect of the matter is that in the present appeal the rate awarded by the Reference Court is not in strict sense under challenge. The classification of land as dry land is under challenge. If the land is held to be irrigated one in the first appeal, he appellant will be entitled to obvious increase in the rate. The rate or the compensation claimed before the Reference Court is not relevant to determine the court fees in first appeal.

7. The reliance on the judgment of **Govind Shamrao Bansode Vs. The State of Maharashtra and others** (supra). I have gone through the judgment. The rate offered by the Special Land Acquisition Officer, the rate claimed before the

Reference Court by the claimant and the rate fixed by the Reference Court have not been stated. In para No. 10 it is cursorily referred that appellant was claiming compensation of Rs. 13,33,652/- and the claim was restricted to Rs. 25,000/-. In the present case applicant has not restricted his claim to any lessor value. Hence the judgment cannot be said to be of binding precedent. No reliance can be placed on it.

8. As per Sec. 7(1) of the Act amount of court fees shall be computed according to difference between the amount awarded and the amount claimed. The difference comes to Rs. 10,20,000/- and payment of court fees to the tune of Rs. 23,950/- is correct. No fault can be found.

9. I am of the considered view that the order passed by the Taxing Officer is unsustainable. I, therefore, pass following order.

O R D E R

A. The civil revision application is allowed.

B. The impugned order is quashed and set aside.

C. It is hereby declared that the payment of court fees of Rs. 23,950/- is adequate and the objection of deficit court fees shall stand over ruled.

[SHAILESH P. BRAHME J.]

bsb/Feb. 26