



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 FIRST APPEAL NO. 2172 OF 2024

Dipali Sachin Mamadapure And Ors

VERSUS

Sattar Isaq Shaikh And Ors

...

Mr. Manale Satish S, Advocate for Appellant

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 20.11.2025

PER COURT :-

1. Heard learned advocate for the appellants.
2. Learned advocate for the appellants submitted that the claimants / appellants are at liberty to reduce their claim for compensation and accordingly they may pay the Court fees upon reducing the amount of compensation. He pointed out the observations of the Taxing Officer / Deputy Registrar of this Court in the form of a report in which it is held that the appellants are required to pay the deficit Court fees of Rs.31,000/-. When the appellants have been paid compensation of Rs.69,75,000/- and restricted the claim for Rs.7,00,000/- for the purpose of Court fees, the learned Taxing Officer has relied upon the Judgment in First Appeal No. 4475 of 2017 in the case of ***Govind S/o Shamrao***

Bansode Vs. The State of Maharashtra and Another dated 21.09.2018, wherein this Court held that said practice of appellant is not permissible under the law and appellant has to pay court fees of entire claim as per rules. However, in case of ***Shivshankar S/o Khandu Udtewar Vs. Sanjay S/o Baburao Waghmare and Others*** with connected matters, Civil Revision Application No.106 of 2025, this Court by its judgment dated 07.08.2025 in paragraph No.23 observed as under:

“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.”

It is crystal clear that the appellants are entitled to restrict the relief for particular value of the payment of Court fees. The above judgment being recent must be relied upon as the appellants have been restricted their relief to a particular amount. The office objection is therefore unsustainable, as the Court fees for Rs.7,00,000/- is already paid.

3. Issue notice to the respondents for final disposal, returnable on 18.12.2025.

4. Call for Record and Proceedings.

[SANJAY A. DESHMUKH, J.]

HRJadhav