

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 12th OF MAY, 2023

MISC. APPEAL No. 782 of 2015

BETWEEN:-

1. **RAMRATAN SINGH S/O SHRI GHANSHYAM SINGH, AGED ABOUT 36 YEARS, R/O VIKAS REFECTORIES QUARTERS LAKHAPATERI, DISTRICT KATNI (M.P.) PERMANENT ADDRESS: VILLAGE GOSALPUR TAHSIL SIHORA DISTRICT JABALPUR (MADHYA PRADESH)**

2. **ANURAG SINGH S/O RAMRTAN SINGH, AGED ABOUT 7 YEARS, MINOR THROUGH FATHER SHRI RAMRATAN SINGH R/O VIKAS REFECTORIES QUARTERS LAKHAPATERI, DISTRICT KATNI (M.P.) PERMANENT ADDRESS: VILLAGE GOSALPUR TAHSIL SIHORA DISTRICT JABALPUR (MADHYA PRADESH)**

.....APPELLANTS

(BY SHRI UDAY KUMAR SAHU- ADVOCATE)

AND

1. **JANAKCHAND RANA S/O UTTAMCHAND RANA, AGED ABOUT 52 YEARS, R/O W 28 VARDHMAN NAGAR BANDRA ROAD NAGPUR (MAHARASHTRA)**

2. **SMT. SARITA DEVI RANA W/O J.C. RANA BEDI NAGAR MADANMAHAL JABALPUR (MADHYA PRADESH) [Deleted as per order dated 08.03.2017 passed in MCC No.1610/2016]**

3. **THE ORIENTAL INSURANCE COMPANY LTD. BARNCH OFFICE NAI BASTI KATNI (MADHYA PRADESH)**

.....RESPONDENTS

(NONE)

.....
This appeal coming on for admission this day, the court passed the following:

ORDER

This Miscellaneous Appeal under Section 173 of Motor Vehicles Act has been filed against the award dated 18.10.2014 passed by Second Additional Motor Accident Claims Tribunal, Katni in MACC No.269/2013.

2. Although, the appellants have valued this Appeal at Rs.2,00,000/- but have not paid the Court fee at all.

3. The office had raised an objection that the Court fee of Rs.5,000/- has not been paid. Accordingly, the appellants moved I.A. No.6832/2017 for ignoring the default of 2.5 % Court fee pointed out by the Registry.

4. This Court by order dated 20.06.2017 rejected the application and directed the appellants to comply the order in respect of Court fee within 15 days. It appears that in spite of the said direction, the appellants did not pay the Court fee and when the case was listed on 14.08.2018, it was once again submitted by the counsel for the appellants that the question of payment of Court fee be deferred without drawing attention of the Coordinate Bench of this Court towards the order dated 20.06.2017 passed in this case itself. It appears that the counsel for the appellants misled the Coordinate Bench by pointing out the orders passed in M.A. No.88/2018 and M.A.No. 852/2015 and submitted that office objection with regard to the Court fee be deferred and accordingly, the submission made by the counsel for the appellants was accepted.

5. Once the objection with regard to deferment of Court fee was already rejected by order dated 20.06.2017, then the said order cannot be changed/ altered unless and until it is reviewed. From order dated 14.08.2018, it is clear that in the said order, there is no reference of order dated 20.06.2017 and in fact it appears that it has been passed on the misrepresentation made by the counsel for the appellants. This conduct of the counsel for the appellants cannot be appreciated and it was expected that he would act as a responsible officer of the Court but unfortunately he miserably failed in doing so. The Lawyers are always expected to act fairly and should not represent the case with ill designs.

6. Be that whatever it may be.

7. Since the Court fee has not been paid, accordingly, this appeal is **dismissed.**

(G.S. AHLUWALIA)
JUDGE

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