

SUPREME COURT OF INDIA

Kashi Ram Namdeo Zambro

Vs.

State of Maharashtra

(J Verma, G Nanavati and B Kirpal JJ.)

10.11.1997

ORDER

1. The submission of learned counsel for the applicant-State of Maharashtra is that the judgment dated 31-10-1995 of this Court in Kashi Ram Namdeo Zambro v. State of Maharashtra is being misunderstood by the courts to mean that the same overrides the effect of Article 15 of Schedule I of the Bombay Court Fees Act, 1959 and, therefore, to this extent the said judgment requires clarification. It does appear to us that there is a likelihood of the said judgment being so misconstrued, even though it was not intended to say therein that the effect of Article 15 of Schedule I of the Bombay Court Fees Act, 1959 is overruled.

2. Accordingly, it is clarified hereby that the abovesaid judgment in Civil Appeal No. 3604 of 1982 shall not be construed to mean that it overrides the effect of Article 15 of Schedule I of the Bombay Court Fees Act, 1959 in cases where that provision applies. We may add that there is no reference to this provision in the said judgment and, therefore, there is no occasion to misconstrue that judgment.

3. IA is disposed of accordingly.