

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

Civil Application (CAO) No. 333 of 2014

in

Misc. Civil Application St. No. 663 of 2014

in

Letter Patent Appeal No. 190 of 2011 (D)

in

Writ Petition No. 1180 of 2011 (D)

(Vitthal s/o Baba Dudhe through P.O.A. Holder Rahul V. Dudhe Vs. Shivajirao
s/o Vitthal Dongre and ors.)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Shri S. R. Deshpande, Advocate for applicant
Shri R. L. Khapre, Advocate for respondent nos. 1 to 5 and 9
Mrs. B. P. Maldhure, AGP for respondent nos. 6 to 8

**CORAM : B.P.DHARMADHIKARI &
S. B. SHUKRE, JJ.**

DATE : 27-3-2015.

Prayer is to condone the delay of 149 days
in filing Misc. Civil Application Stamp No.
663 of 2014 for review of order dated
15-7-2011.

Learned Advocate Shri Deshpande submits
that said order of this Court was questioned
before the Hon'ble Supreme Court in S.L.P. No.
28991/2011 and that SLP was dismissed on

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2-1-2014. Thereafter within eight days i.e. on 10-1-2014, present proceedings are filed.

Learned Advocate Shri Khapre is opposing the prayers for condonation of delay. He submits that pendency of matter before the Supreme Court is not relevant here.

In the light of arguments advanced, we find that prayer for review has been made bonafide, as such, we condone the delay.

Registrtry to register miscellaneous civil application.

Misc. Civil Application St. No. 663 of 2014

Shri Deshpande, learned Advocate for applicant points out the language employed in proviso to Section 49A of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958. According to him, words 'finally decided' are important and as the challenge was pending at the instance of respondent no. 1, the proceedings were not finally decided. He has

drawn our attention to the order dated 15-7-2011 for said purpose. This question is specifically looked into by this Court while delivering the order dated 15-7-2011. In second paragraph at page no. 5 and 6, this Court has already found that insofar as the grant of 7 acres of land to respondent no. 1 is concerned, it had attained finality and the demand for 12 acres of land was only an issue. Language of said Section 49A is also seen. In this situation, no case for reconsideration of this issue is made out. Miscellaneous civil application is disposed of with no order as to costs.

JUDGE

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