

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

Civil Application (CAO) No.1514 of 2014
with
Civil Application (CAO) No.1515 of 2014
with
Civil Application (CAO) No.1516 of 2014
with
MCA St. No.6134 of 2014 (Review)
in
First Appeal No.481 of 1992
The State of Mah. and ors ..vs.. Lachama Jadhao and ors

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

Court's or Judge's order

Shri Rahul Shinde, counsel for the applicants/respondents.

CORAM : B.P.DHARMADHIKARI, J.
DATE : JANUARY 9, 2015.

Heard.

Review of judgment, delivered by this
Court on 10.2.2009, in First Appeal No.481 of
1992, is sought with a prayer to condone the
delay. The delay is of 1838 days.

Before issuing notice, in order to find out
whether there is any merit in prayer for review
filed vide St. No.6134 of 2014, I have heard Shri
Rahul Shinde, learned counsel for the
applicants.

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By referring to later judgments delivered by this Court, learned counsel submits that as better rate of compensation for land has been given, judgment dated 10.2.2009 needs to be reviewed.

Learned AGP has appeared for the original appellants in First Appeal No.481 of 1992. He submits that such later judgments delivered by other Benches, cannot be a ground for review.

In judgment delivered on 10.2.2009, this Court had placed reliance upon and found that the controversy was squarely covered by its judgments dated 3rd /4th February, 2009 delivered in First Appeal Nos.175 of 1992 and 252 of 1992 and other connected matters.

Shri Shinde, learned counsel, is not in a position to demonstrate that the later judgments of this Court have been looked into this judgment is dated 3.2.2009 and thereafter taken a particular view. He is relying upon a judgment of the Honourable Supreme Court to urge that, all landowners affected by the project or under same Section 4 notification, must get similar compensation.

It is apparent that if after judgment delivered on 3.2.2009 is pointed out to later Benches and thereafter a particular view is taken, such an effort may be appreciated.

However, considering the limited scope available in review, I do not find any merit in the argument. As such no case is made out for issuing notice even on prayer for condonation of delay.

Accordingly, all the civil applications are rejected and disposed of.

JUDGE

!! BRW !!

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