

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

(1) Civil Application (CAF) No. 2415 of 2015

in

First Appeal No. 222 of 2014 (D)

(Smt. Shantabai wd/o Krushnarao Deshmukh Vs. State of Mah. through
Collector, Amravati and ors.)

with

(2) Civil Application (CAF) No. 2416 of 2015

in

First Appeal No. 565 of 2014 (D)

(Vasudeo Pandurangji Gulhane Vs. State of Mah. through Collector, Amravati
and ors.)

with

(3) Civil Application (CAF) No. 2417 of 2015

in

First Appeal No. 120 of 2014 (D)

(Kisan Chindhuji Ekonkar Vs. State of Mah. through Collector, Amravati and
ors.)

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

Court's or Judge's order

CORAM : Prasanna B. Varale, J.

DATE : 18-12-2015.

Heard Shri V. N. Patre, learned counsel for the applicants, Shri S. G. Jagtap with Shri Godbole, learned counsel for the respondent no. 3 and Shri N. Rao, learned Assistant Government Pleader for the respondent nos. 1 and 2.

The present applications are for seeking modification of the judgment and order passed by this Court dated 15-6-2015. The tenor of the applications and the sum and substance of the submissions of the learned counsel for the applicants is in the nature of seeking the review of the judgment and order of this Court dated 15-6-2015. This Court

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in the appeals filed by the present applicants/appellants on consideration of the submissions of the rival parties and more particularly, on the backdrop of the judgments of the Apex Court relied on by the learned counsel for the appellants, allowed the appeals partly. The prayer of the present applications is seeking modification to the effect of enhancement of the compensation. Thus, what the applicants seek is an adjudication of the quantum of the compensation amount afresh.

Considering the scope of either modification or review, such adjudication afresh on merits of the quantum of amount is not possible. It is settled position of law reflected in various judgments of this Court as well as the Apex Court that scope of review and modification is limited one. What the applicants are seeking is certainly much beyond the scope of either modification or review and the same cannot be permitted in limited compass of review. The applications, thus being meritless, deserve to be rejected and the same are, accordingly, rejected.

Learned counsel Shri Patre submits that the applicants be permitted to avail any other remedy available under law. Liberty as sought by the learned counsel for the applicants to avail any other remedy is granted keeping the said issue open.

JUDGE

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