

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

Misc. Civil Application No.228 of 1996 in F.A. No.183 of 1984
(Harising s/o. Pura Jadhao .vs. Collector, Yavatmal and Ors.)

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

Court's or Judge's Orders

Mr.D.G.Patil, Adv. for the applicant.
Mrs.M.N.Hiwase, AGP for respondent/State.

CORAM : B.R.GAVAI &
V.M.DESHPANDE, JJ.

DATE : 24.6.2016.

Heard.

By the present application, the applicant/Original appellant, who demised during pendency of this review application and whose legal representatives are already brought on record, has prayed for grant of re-hearing and modification of the Judgment and Order passed by this Court dt. 4.7.1996 dismissing the the First Appeal. Mr.D.G.Patil, learned Counsel for the applicant submits that, in First Appeal No.167 of 1984 decided on the very same day, this Court had, relying upon the sale instances which are discarded by the Judgment under review, granted enhanced compensation @ Rs.5,000/- in respect of the similarly situated land; whereas the appeal of the present applicant was dismissed. He also submits that 30 % solatium u/s.23(2) of the Land Acquisition Act was also not granted while dismissing his appeal.

Though this review application is filed in the year 1996, till today the State has not filed any reply to oppose the said review application. Thus, the assertion on facts made in paragraph 4 of the said review application has gone uncontroverted. Therefore, the application is required to be allowed and accordingly, it is allowed.

Put up First Appeal No.183 of 1994 along with First Application No.182 of 1984 for final hearing in the next week.

The application is allowed and disposed of.

JUDGE

JUDGE

**jaiswal*