

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

MISC.CIVIL APPLN. NO. 1288 OF 2015 IN F.A.NO.49 OF 2002

(SHANTIBAI KESHAORAO MAHALLE & OTH....VS..THE EXECUTIVE ENGINEER, CENTRAL PUBLIC
WORKS DEPT. & ANR.)

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

Court's or Judge's orders

Shri S.Zia Quazi, Advocate for Applicants.
Shri R.S.Sunderam, Advocate for Respondent No.1.
Shri S.S.Ghate, Advocate for Respondent No.2.

CORAM : Z.A.HAQ, J.
DATED : JANUARY 22, 2016.

The non-applicant No.1/original appellant has filed the reply. It is nowhere pointed out that the amount of compensation for acquiring the land of the applicant/ original respondent No.1 is deposited or paid to the respondent No.1. Paragraph 3 of the judgment passed by this Court in First Appeal No. 49 of 2002 on 2nd February, 2015 shows that the findings are recorded on the basis of the submission made on behalf of the original appellant that the amount of compensation has been received by the original respondent No.1.

After hearing Shri S.Zia Quazi, advocate for the applicant/ original respondent No.1, Dr. R.S. Sunderam, original appellant and Shri S.S. Ghate, advocate for the non-applicant No.2/ original respondent No.2, I find that there is an error apparent on the face of the record, hence, review application is allowed. The judgment passed in First Appeal No. 49 of 2002 on 2nd February, 2015 is recalled.

The Misc. Civil Application is allowed accordingly.

Shri S.S. Ghate, advocate has pointed out that in the last paragraph on page No.2 it is recorded that he submitted that Survey No.332/4, 333/1 and 334/1 of Mouza : Shivangaon owned by the applicant are not required for the non-applicant No.2. It is submitted that he had stated that the above referred fields are not required for the non-applicant No.2.

Similarly, in the last sentence on page No.2 of the order dated 15th January, 2016 it is recorded that the submission made by Shri S.S.Ghate, advocate is fortified by the communication dated 11th February, 2011 issued by Senior Manager (Land and Law) to the non-applicant No.2- Mohammed Farooque. It should be read as follows :

“This submission is fortified by the communication dated 11th February, 2011 issued by the Senior Manager (Land and Law) of the non-applicant No.2 to Mohammad Farooque.”

Shri S. Zia Quazi, Advocate waives notice of appeal for the Respondent Nos. 1(i) to 1(iv) and Shri S.S. Ghate, Advocate waives notice of appeal for the Respondent No.2.

List the appeal for final hearing.

JUDGE