

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 8179 OF 2016
IN
REVIEW APPLICATION ST. NO. 9955 OF 2016
IN
FIRST APPEAL NO. 3002 OF 2013**

Madhukar Deorao Ghadge .. Applicant

Versus

Vishwas Abarao Pawar & Anr. .. Respondent

Mrs. Manjusha S. Jagtap, Advocate for the applicant.
Mr. S.H. Panchal h/f. Mr.V.B. Garud, Advocate for R-1.

**CORAM : T.V. NALAWADE, J.
DATED : 26.04.2017**

P.C. :-

1. This application is filed for review of decision given by this Court on 06.01.2016 in the aforesaid first appeal, by which this Court has dismissed the First Appeal filed by the present applicant. The learned Counsel for the applicant/appellant submitted that wife of the appellant was suffering from Cancer and he was not in a position to give even basic compensation amount. The learned Counsel submitted that the wall which was fell due to dash of the tractor was made by making encroachment on public property and this aspect also needs to be considered. The learned Counsel then

submitted that the interest may be made payable from the date of award instead of making payable from the date of the application.

2. The learned Counsel for the other side submitted this ground cannot be considered in review proceeding.

3. It is true that this ground cannot be considered in review proceedings. All these aspects are considered by this Court on merit and then the first appeal was dismissed. There is no scope to review the decision. The Civil Application is dismissed.

[T.V. NALAWADE, J.]