

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

CIVIL APPLICATION (CAO) NO. 284 OF 2017

IN

MISC. CIVIL APPLICATION NO. OF 2017

IN

CIVIL REVISION APPLICATION NO. 112 OF 2015.

(MADHAVRAO DEVRAO NIGUT...VS.. KUSUM SHANKARRAO NIGUT & 2 OTH.)

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

Court's or Judge's orders

Shri A.J.Bhoot, Advocate for Applicant.
Shri A.D.Sonak, A.G.P. for Respondent No.3.

CORAM : Z.A.HAQ, J.

DATED : JULY 14, 2017.

By the judgment delivered on 19th October, 2016 the order passed by the learned Ad-hoc District Judge, by which the reference proceedings were disposed, was set aside. The order passed by the Deputy Collector/ Land Acquisition Officer on 30th September, 2015 determining the share / shares of claimants was also set aside. This Court restored the reference proceedings on the file of the learned Ad-hoc District Judge and directed him to proceed with the case on merits according to law. This Court found that the Deputy Collector/ Land Acquisition Officer had passed the order transgressing limits of his jurisdiction. This Court directed the present applicant who was Non-applicant No.2 in the revision application to deposit the amount which was withdrawn by him on the basis of the illegal order passed by the Deputy Collector/ Land Acquisition Officer.

The applicant (non-applicant No.2 in revision application) has filed Misc. Civil Application Stamp No. 3067

of 2017 seeking review of the judgment passed in Civil Revision Application. The applicant seeks review/modification of the order on the ground that this Court has directed the applicant to deposit the entire amount of Rs.10,43,849/- withdrawn by him, without considering the fact that in any case the applicant is entitled for 50% of the amount, that is Rs.5,21,925/-. The applicant has shown willingness to deposit the amount of Rs.5,21,925/-.

As there is delay of 83 days in filing the review application, the applicant has filed this application. The applicant has tried to justify the delay stating that he is not highly educated, he is working as Watchman and is not able to understand the legal niceties and therefore, he was not aware that the review application is required to be filed within stipulated time. In paragraph 3 of the application the applicant has stated that he received the copy of the judgment passed in Civil Revision Application on 19th October, 2016 and then he approached his advocate in January, 2017 and then the review application is filed on 9th February, 2017.

In the facts of the case, I find that the explanation given by the applicant is not satisfactory and it cannot be said that sufficient cause is shown by the applicant for not filing the review application earlier.

The civil application is **dismissed**. Consequently the Miscellaneous Application Stamp No. 3067 of 2017 is **rejected**.

JUDGE