

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAO] No. 1074 of 2016
IN
Misc. Civil Application [Review] St. No.8976 of 2016
IN
Civil Application [CAF] No. 2537 of 2014
First Appeal St. No.6004 of 2014
[Vijay Digambar Gawande Vs. State of Mah. & others]

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

Court's or Judge's orders

Ms. N. Jog, Adv., for the applicant.
Mr. S. S. Godbole, Adv., for Respondent Nos. 1 and 3.
Mrs. Kulkarni, AGP for respondent no.2.

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CORAM : A. S. CHANDURKAR, J.

DATE : 08th March, 2017

Though prayer for condoning delay is opposed by the learned counsel for the non-applicants, considering the reasons mentioned, delay in filing the Review Application stands condoned.

Civil Application is disposed of.

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Misc. Civil Appln. St. No. 8976/2016 :

Review is sought of the order dated 5th October, 2015 by which this Court refused to condone delay of 2675 days in filing the appeal.

It is submitted on behalf of the Applicant that by subsequent orders passed in appeals arising out of Bembla River Project, the delay in filing those appeals has been condoned by this Court, and, therefore, a case for reviewing the order dated 5th October, 2015 has been made. Reliance is placed on the judgment of Honourable Supreme Court in **Imrat Lal & others Vs. Land Acquisition Collector & others** [2014 (9_ SCALE 446)]. It is also submitted that Pursis, dated 21st September, 2015, was filed on record to indicate grant of compensation for acquisition of lands from adjoining villages. It is, therefore, submitted that the order refusing to condone delay deserves to be reviewed.

The application is opposed by the learned counsel for the non-applicants. It is submitted that the order was passed after considering the entire material on record and, therefore, there is no case made out to review the same.

While passing the order dated 5th October, 2015, Pursis dated 21st September, 2015 along with orders referred to therein were taken into consideration. This fact is apparent from the said order. The judgments relied upon pertain to a different village and not the village from where the applicant's land was acquired. The decision of the Honourable Supreme Court in *Imrat Lal & others* [supra] was available when the order dated

5th October, 2015 came to be passed. However, as no sufficient cause for explaining the delay of almost eight years was found, the said application was rejected.

After considering the submissions as urged, I do not find that there is any error apparent on the face of record committed while passing the said order. Hence, I am not inclined to exercise review jurisdiction. Application is, therefore, rejected.

Judge

[hedau]