

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

WRIT PETITION NO. 2476 OF 2018

PANDURANG LAXMAN PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri S.H.Panchal

AGP for respondent/State : Shri S.K.Tambe

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th March, 2018.

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PER COURT :-

1] The petitioner is aggrieved by the order dated 31/10/2017 passed by the learned Civil Judge (Senior Division) Biloli in N.R.J.E. No. 15/2017 by which the application filed by the petitioner under Section 152 of the Code of Civil Procedure seeking a correction in the common judgment dated 4/3/2016 in L.A.R. No. 310/2015, has been rejected.

2] Learned advocate for the petitioner submits that the judgment of the L.A.R. Court enhancing the compensation dated 04/03/2016 clearly indicates from paragraph Nos. 23 and 24 that the petitioner would be entitled for an enhanced compensation of Rs. 12,42,000/-. He has already been paid compensation of an amount of Rs. 4,51,665/-. By deducting

the compensation amount already paid, he would receive Rs. 7,90,335/-.

3] Grievance is that the direction in clause-4 of the operative part of the judgment dated 04/03/2016 will cause a double deduction.

4] In my view, as the learned AGP submits that this petition is based on an apprehension and is pre-mature, paragraph Nos. 23 and 24 are self-explanatory.

5] I find that the observations in paragraph Nos. 23 and 24 and clause-4 of the operative part of the judgment dated 04/03/2016 delivered by the Trial Court in L.A.R. No. 310/2015, are not self-contradictory. After deduction of the compensation already paid, the petitioner would get the remainder compensation.

6] This petition, being filed purely out of apprehension, is disposed of.

(RAVINDRA V. GHUGE, J.)

shp/-