

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO. 11434 OF 2018

KANTABAI UTTAMRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Kale Ajeet B.
AGP for Respondents : Mr. S W Munde

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CORAM : N.M. JAMDAR, J.
Dated : 21 November 2018

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ORAL ORDER :-

The petitioner has challenged the order passed by the learned District Judge, Jalna in LAR no.167 of 1996 dated 7.3.2011. The petitioner had led evidence and it was found that there was no sufficient evidence to enhance the compensation as sought for. The proceedings have been finally disposed of. The petitioner, therefore, has a remedy of a first appeal.

2. Reliance of the petitioner on the order passed by the learned Single Judge of this Court in Writ Petition No.9550 of 2012 and connected matters dated 31.1.2013, **to contend that the writ petition be entertained, is not correct.** In the said case, due to extreme poverty the petitioners had not adduced any evidence and an opportunity was given to them by this Court.

Present is the case where evidence was led and analyzed and not found sufficient. In the circumstances, writ petition cannot be entertained and is rejected. Learned counsel for the petitioner states that decree is not yet been given. There is no specific averment on oath in the petition to that regard. Even assuming said position is incorrect, which does not appear to be plausible, nothing stops the petitioner from making a request to the learned judge in writing for the said purpose.

3. Writ Petition accordingly rejected.

(N.M. JAMDAR, J.)

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