

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISCELLANEOUS CIVIL APPLICATION (REVIEW) NO. 574/2018
 (RAMESH RAMBHAU BIDKAR & OTHERS VERSUS BALJIT MUKUNDLAL JUNEJA)

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

Court's or Judge's orders

Shri P.S. Sadavarte, counsel for applicants.
 Shri N.V. Fulzele, counsel for non-applicant.

CORAM : A.S. CHANDURKAR, J.
DATE : OCTOBER 17, 2018.

Perused the review application and heard the learned counsel for the applicants, who by relying upon the decision in *Mujibur Rehman Jaji Israr Alam Siddiqui Versus M/s K.T. Kubal & Co.* [2018 (2) ALL MR 267] submits that the compensation as directed to be paid from the date of the decree for eviction ought to have been directed to be paid from the date when the tenancy was terminated. It is submitted that said judgment was not available when the writ petition was heard and hence the judgment in question be reviewed to that extent.

The prayer is opposed by the learned counsel for the non-applicant on the ground that the aforesaid aspects were not urged nor pleaded in the writ petition and hence in the light of the decision in *Haridas Das Versus Usha Rani Banik & Others* [2006(4) Mh.L.J. 14 (SC)], same does not call for any review.

On hearing the learned counsel for the parties and on perusing the judgment dated 25.04.2018, I do not find any error apparent on the face of record to invoke review jurisdiction. The contention that the amount of compensation ought to be directed to be paid from the date of termination of tenancy had not been pleaded or urged.

Miscellaneous Civil Application is thus dismissed.

It is open for the appellate Court to decide the appeal in accordance with law by considering all relevant aspects.

JUDGE

APTE