

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

920 CIVIL APPLICATION NO.3055 OF 2019
IN FA/644/2017

SARJERAO VITTHALRAO BHOITE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr.Pahune Patil Nandkishor J.
(consent Obtained) Mr. Ande and Mr. A.S. More
AGP for Respondent No. 1 : Mr.A.M. Phule
Advocate for Respondent No. 3 : Mr.S.G. Sangle

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CORAM : SUNIL K.KOTWAL, J.

DATE : 19th MARCH, 2019

O R D E R :

This application is filed by the original claimant to modify the order passed by this Court in Civil Application No. 12642 of 2018, on the ground that in connected Civil Application No. 12334 of 2018 this Court has allowed the claimant to withdraw 50% amount of deposited compensation, subject to filing of the undertaking and remaining 50% compensation amount on furnishing solvent surety.

2. Similar modification is sought in the order

dated 12.12.2018. In fact, under the garb of modification of the order the applicant is claiming the review of the order passed in Civil Application 12642 of 2018. In fact, the order passed in Civil Application No. 12642 of 2018 and the order passed in Civil Application No. 12334 of 2018 are not passed in one and the same matter. Even reasons assigned for allowing its percentage to withdraw compensation amount are not identical. Therefore, on the ground of parity, the order passed in Civil Application No. 12642 of 2018 cannot be modified. Otherwise also, there is no error on the face of record in the order passed in Civil Application No. 12642 of 2018. Therefore, if this application is treated as review application, it deserves to be rejected. Accordingly, Civil Application No. 3055 of 2019 is rejected.

[SUNIL K.KOTWAL, J.]

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