

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO.302 OF 2019
IN
MISC. CIVIL APPLICATION ST. NO.2030 OF 2019
IN
FIRST APPEAL NO.791 OF 2010

Vinayak Shankar Parimal and anr.

-vs-

V.I.D.C. Thr. Executive Engineer, Bembla Project Division, Yavatmal and ors.

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

Court's or Judge's Orders.

Shri A. B. Nakshane, Advocate for applicants.
Shri A. B. Patil, Advocate for non-applicant No.1.
Ms H. N. Prabhu, AGP for non-applicant Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.
DATE : February 07, 2019

Notice on the application is made returnable forthwith. Shri A. B. Patil, learned counsel waives notice for non-applicant No.1. Ms H. N. Prabhu, learned Assistant Government Pleader waives notice for non-applicant Nos.2 and 3.

Considering reasons mentioned in the application the delay in filing the review application is condoned.

Civil Application is allowed and disposed of.

Misc. Civil Application St. No.2030 of 2019

Heard the learned counsel for the parties and perused the judgment of which review has been sought.

The attempt on the part of the learned counsel for

the applicant is to urge that the matters considered by the Court while deciding the appeal were not relevant for reducing the amount of compensation as awarded. Perusal of paragraphs 9 to 17 of the said judgment indicates that the Court has taken into consideration the evidence on record and has then given reasons for its findings. It would not be permissible in review jurisdiction to re-appreciate that evidence and then rehear the appeal for arriving at a different conclusion. In absence of there being any error apparent on the face of record, no case is made out to exercise review jurisdiction.

Misc. Civil Application is therefore dismissed.

JUDGE