

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

**REVIEW APPLICATION NO. 46 OF 2021
IN
FIRST APPEAL NO. 3201 OF 2016**

The Executive Engineer,
Medium Project Division, Osmanabad.

...Applicant

Versus

Pandhari @ Pandharinath Narsu Bhore & Anr.

...Respondents

.....
Shri. B. R. Survase, Advocate for the applicant
Shri. A. S. More, Advocate for respondent no. 1
Shri. B. V. Virdhe, AGP for respondent/State
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**CORAM : R. G. AVACHAT, J.
DATE : 26th JULY, 2021**

PER COURT : -

1. Heard learned Counsel and the learned AGP appearing on behalf of the respective parties.

2. This application has been moved for review of the order dated 24.08.2016 passed by this Court in First Appeal St. No. 16644 of 2014 (now numbered as First Appeal No. 3201 of 2016) and connected First Appeal No. 1525 of 2015. The review is sought only in respect of the First Appeal No. 3201 of 2016.

3. The other side has no objection to recall of the said order dated 24.08.2016.

4 Perused the para 5 of the order dated 24.08.2016 wherein it has been observed that the reference Court has awarded the compensation at the rate of Rs. 2.00 Lakhs per hectare. According to the learned Advocate for the applicant, the reference Court has also awarded compensation regarding fruit bearing trees and the structure standing thereon. The date of granting interest has also been disputed in this appeal. The order, therefore, is required to be reviewed.

5. In view of the submissions made by the learned Advocate for the applicant and there being express consent by the respondent-claimant and after having been satisfied with the submissions, the review application is allowed in terms of prayer clause 'B'. The aforesaid order dated 24.08.2016 passed by this Court is recalled to the extent of First Appeal No. 3201 of 2016.

6. The appeal be restored to the file for hearing on its own merits.

7. The Civil Application stands disposed of.

[R. G. AVACHAT]
JUDGE