

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

MISC. CIVIL APPLICATION NO. 199 OF 2020
IN FIRST APPEAL NO. 362 OF 2012

(Haribhau s/o Wamanrao Thakre vs. State of Maharashtra thr. the Collector, Yavatmal & Ors.)

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

Court's or Judge's orders.

Shri K.S. Narwade, Advocate for the applicant/
appellant.

Ms. T. Khan, AGP for respondent Nos. 1 to 3.

Shri P.B. Patil, Advocate for respondent No. 4.

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CORAM : A.S. CHANDURKAR &
PUSHPA V. GANEDIWALA, JJ.
MARCH 08, 2021.

Heard Shri Narwade, learned counsel
appears for the applicant/ appellant, Ms. Khan,
learned AGP for respondent Nos. 1 to 3 and Shri
Patil, learned counsel for respondent No. 4.

2. This is an application for review under
Order 47, Rule 1 of the Code of Civil Procedure. It is
the submission of the learned counsel for the
applicant that this Court while passing judgment in
First Appeal No. 362 of 2012 has not considered the
additional evidence in the form of a document which
was allowed to be produced by the applicant vide

order dated 08.06.2015. The said document is a judgment of the Reference Court in LAC No. 27 of 1999 dated 22.07.2014 passed by the Civil Judge, Senior Division, Yavatmal.

3. The review is sought on the ground that the Reference Court in the aforesaid judgment dated 22.07.2014 enhanced the compensation for the land bearing Survey No. 63, which is adjoining to the applicant's land bearing Survey No. 69 in village – Pratappur, District – Babhulgaon, District – Yavatmal, @ Rs.376/- per square meter whereas this Court in the aforesaid judgment in First Appeal No. 362 of 2012, of which review is sought, confirmed the rate @ Rs.1,15,000/- per Hectare for the land bearing Survey No. 63.

4. It is pertinent to note that First Appeal No. 124 of 2018 against the judgment dated 22.07.2014 in LAC No. 27 of 1999 was heard and disposed of by this Court on 08.03.2021 by modifying the rate which was granted by the learned Reference Court and directed the Acquiring Body to pay compensation @ Rs.1,15,000/- per Hectare, the rate as has been awarded by the judgment, of which review is sought.

5. Given the facts, as the judgment dated

22.07.2014 in LAC No. 27 of 1999 itself is set aside by this Court, the same cannot be considered as an additional evidence and hence the relief to recall the judgment in First Appeal No. 362 of 2012 cannot be granted.

6. The present Miscellaneous Civil Application is disposed of as being rendered infructuous. However, the parties shall bear their own costs.

JUDGE

JUDGE

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