

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.204 OF 2019
IN FIRST APPEAL NO. 2638 OF 2018
WITH RA/203/2019 IN FA/2637/2018
WITH RA/202/2019 IN FA/2636/2018

KISAN JIJABHAU KAVHALE (DIED) THR LRS SARUBAI AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. K.B. Jadhav
AGP for Respondent Nos.1 and 2 : Mr. P.M. Kulkarni
Advocate for Respondent No.3 : Mr. S.D. Shelke

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CORAM : S.G. DIGE, J.
DATE : 2nd August, 2022

ORDER :

. These review applications are preferred in respect of judgment and order passed by this Court (Coram : P.R. Bora, J.) in First Appeal Nos. 2636 of 2018, 2663 of 2018 and 2638 of 2018.

2. Learned Counsel for review petitioners submits that, this Court by order dated 25th September, 2018 decided the First Appeals and connected matters for enhancement of compensation and modified the order passed by

Reference Court.

3. The learned Counsel further submits that, in the said judgment this Court has mentioned that, it is not irrigated land whereas the Reference Court has observed that, it is seasonal irrigated land but inadvertently in judgment petitioner's land has been mentioned as dry land. Therefore, it is necessary to make correction in that regard as seasonal irrigated land.

4. Learned Counsel for applicants submits that, in appeal No. 2637 of 2018, the review petitioner's land is considered as dry land and Rs.1500/- is granted per R. The Reference Court has considered the said land as permanent irrigated land and granted Rs.1800 per R whereas as per the covered judgment of this Court appellant is entitle to receive the amount @ Rs.2250/- per R. In First Appeal No. 2638 of 2018 the Reference Court has considered the Review petitioners' land as seasonal irrigated land and has granted Rs.1600/- per R, whereas as per covered judgment, appellant is entitle to receive

@Rs. 250/- per R. Hence, requested to consider these facts and requested to make corrections accordingly in the judgment passed by this Court.

5. Learned A.G.P. and learned Counsel for acquiring body submitted that, they have not disputed the fact as argued by the learned Counsel for applicants and requested to pass appropriate orders.

6. Considering the submissions of all learned Counsel as well as the learned Counsel for acquiring body has not disputed the fact that the petitioners lands are seasonal irrigated and permanent irrigated, as pointed out by learned Counsel for review petitioners and mentioned in the reference, I pass following order :-

ORDER

- (a) Review Applications are allowed.
- (b) Correction in respect of lands be done, accordingly.
- (c) The Review Applications are disposed of.

[S.G. DIGE, J.]