

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

MISC. CIVIL APPLICATION NO. 160/2023

IN

APPEAL AGAINST ORDER NO. 10/2022

Dr. Rajabhau S/o Udhavrao Padmawar (dead) through L.Rs. Smt. Sumati Wd/o Rajabhau
Padmawar and others

Vs.

Nagpur Improvement Trust through its Chairman and others

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

Court's or Judge's orders

Shri V.V. Bharadwaj, Advocate for appellants
Shri G. Kunte, Advocate for respondent No.1

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 16/02/2023

Present application is filed for review of the judgment and order dated 09/01/2023.

2. It was the contention of the original applicant/respondent that the issue is covered by the judgment in *Narayanrao Jagobaji Gawande Public Trust Vs. State of Maharashtra and others reported in 2016(2) AIR Bom R 509*.

3. I have perused the order. I do not see any reason to review the order. However, it is made clear that whatever

observed in Paragraph No. 11, it is in respect of specific contention of the applicant. The learned Appellate Court to here appeal afresh in view of the aforesaid citation as well as if there are any other citation relied on by the other side.

4. In view of affidavit filed by the applicant, the West Divisional Officer of Nagpur Improvement Trust is directed to see that the open space will remain intact/guarded by taking appropriate steps.

5. Application stands disposed of.

6. An authenticated copy of this order be supplied to the parties to act upon.

(SMT. M.S. JAWALKAR, J.)