

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

WRIT PETITION NO. 1274 OF 2019

Nitin Uttam Jadhav and anr __ Vs. __ The Collector, Yavatmal and ors

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

Court's or Judge's orders

Mr.N.S.Deshpande, Advocate for petitioners
Mrs. M.A.Barabde, AGP for respondent Nos. 1 to 3.
Mr. V.N.Patre, Advocate for Respondent No.4

CORAM : AVINASH G. GHAROTE, J.
DATE : 20/02/2023

1] Heard Mr. N.S.Deshpande, learned counsel for the petitioners and Mr. Patre, learned counsel for the respondent no.4.

2] The application under Order 7 Rule 11 of CPC filed by the petitioners has been rejected by the impugned order dated 25.1.2019 (pg.27), being aggrieved by which, the present petition has been filed.

3] It is the contention of the petitioners that the suit, as filed, is hit by the provisions of Section 63 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, Resettlement Act 2013, and therefore, the application ought to have been allowed.

4] A perusal of the prayer clause indicates that the relief sought in the plaint is regarding the title of the

respondent no.4 in respect of the land of Gat No. 122 purchased by his predecessor by the sale deed dated 25.1.1988 and the subsequent sale deed dated 26.10.2009 in favour of the respondent no.4 and the boundaries of the same. Considering the relief claimed, the suit would clearly not be hit by the provisions of Section 63 of the said Act. I therefore do not see any merit in the petition, the petition is dismissed. No costs.

JUDGE

Rvjalit