



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

MISC. CIVIL APPLICATION No.145/2023 (For Review)

IN

WRIT PETITION NO. 2352/2021

WITH

WRIT PETITION NO. 2248 OF 2021 (D)

Amar Asha Cooperative Housing Society Ltd. Nagpur Vs. Bhimrao s/o
Maniramji Kakde and others

WITH

CONTEMPT PETITION NO.141/2023

IN

WRIT PETITION NO. 2352/2021 (D)

(Bhimrao Maniramji Kakde & Ors. Vs. The Chairman, Manojkumar
Suryavanshi and Another

WITH

CONTEMPT PETITION NO. 138/2023

IN

WRIT PETITION NO. 2248/2021 (D)

(Laxman Chirkuttrao Patil & Ors. Vs. The Chairman, Mr. Manojkumar
Suryavanshi and another

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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CP No. 141/2023 & 138/2023

Mrs. Swati Paunikar, Advocate for petitioners

Mrs. S.S. Jachak, Advocate for respondents

MCA No. 145/2023

Mrs. R.S. Sirpurkar, Advocate for Applicant

Mrs. S.S. Jachk, Advocate for respondent NIT

CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.

DATED : 1st FEBRUARY, 2024

Misc. Civil Application No.145/2023 seeks review of the order dated 20/12/2022 on the ground that it was passed upon an incorrect factual premise inasmuch as it proceeds on a presumption that the

DP plan reservation of 36 Mtr. wide road, from the layout of the applicant Society stood deleted as a result of which, the area became available for being regularized under the Gunthewari Act. It has been brought to our notice by the learned counsel for the respondent Nos.13 & 14 - Nagpur Improvement Trust that though on an earlier occasion the respondent no.13 had deleted the reservation, however, since such deletion was not within the four corners of the law, the said order has been recalled on account of which the reservation stands restored. This being the position, since it affects the very basis on which the order dated 20/12/2022 has been passed, the same needs to be reviewed. We accordingly allow the present application by reviewing the order dated 20/12/2022. The petition now be listed for hearing on 6th February, 2024.

Contempt Petition Nos.141/23 and 138/2023

In view of the above Contempt Petition Nos.141/2023 and 138/2023 stand dismissed.

(SMT. M.S.JAWALKAR J.)

(AVINASH G. GHAROTE, J.)