



Corrected order
Corrections have been made in view of speaking to
minutes order dated 01.10.2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3880 OF 2025
IN
FIRST APPEAL NO. 1672 OF 2013

Manohar Shankarappa Rakte .. Applicant

Versus

The State of Maharashtra through
District Collector Nanded and others .. Respondents

Shri G. N. Chincholkar, Advocate for the Applicant.
Shri B. A. Shinde, A.G.P. for the Respondent Nos. 1 and 2.
Shri M. C. Swami, Advocate for the Respondent No. 3.

CORAM : SHAILESH P. BRAHME, J.
DATE : 19TH SEPTEMBER, 2025.

FINAL ORDER :

. Applicant seeks to recall/modify judgment and order dated 23.10.2023.

2. Applicant is the original claimant, who had filed appeal challenging judgment and award passed on 01.04.2009 in L.A.R. No. 24 of 2005 (New), L.A.R. No. 23 of 2005 (Old). However wrong judgment was annexed which was even dated but passed in L.A.R. No. 26 of 2005 (New) i. e. L.A.R. No. 25 of 2005 (Old). It is contended that this mistake is due to inadvertence and

without any intention. It is contended that registration of First Appeal No. 1672 of 2013 was refused, whereas First Appeal No. 719 of 2013 was subsisting and both the appeals were preferred by the appellant – present applicant. Another first appeal was allowed. Present first appeal was restored, but the record was destroyed and applicant reconstructed the record by placing wrong judgment as impugned judgment. Therefore, while passing the order under review this Court recorded the facts from judgment dated 01.04.2009 of L.A.R. No. 26 of 2005 (New), L.A.R. No. 25 of 2005 (Old).

3. It is submitted that because of the mistake wrong quantum is recorded in para Nos. 3, 4, 5 and 9 of the judgment in question. Those are required to be rectified. It is apparent mistake on the face of the record causing grave hardship to the applicant.

4. Learned A. G. P. appearing for respondent Nos. 1 and 2 and Mr. Mahesh Swami learned advocate appearing for the respondent No. 3 vehemently oppose the submissions and application. It is contended that the mistakes cannot be rectified in the review jurisdiction. The claim of the applicant does not fall within the purview of review and it is liable to be rejected.

5. It reveals from record that registration of present appeal was refused and thereafter it was restored. While reconstructing the record wrong judgment was treated to be impugned one. It is

clear that judgment is even dated but passed in L.A.R. No. 26 of 2005 (New), L.A.R. No. 25 of 2005 (Old) which was subject matter of another appeal. There is no dispute that appeal deserved to be allowed. But wrong figures are quoted in paragraph Nos. 3 to 5 and 9.

6. Though respondents oppose the present application, the entitlement of the appellant/applicant is not disputed. It is not disputed that the appellant is entitled to receive compensation on the ground of parity in view of judgment and award of First Appeal No. 719 of 2013. Under these circumstances the mistakes apparent on the face of record can be rectified in the review jurisdiction. No material is pointed out by the respondents to show that the first appeal was not filed against judgment and order passed in L.A.R. No. 24 of 2005 (New), L.A.R. No. 23 of 2005 (Old).

7. For the reasons stated above, I find substance in the application and it deserves to be allowed. Instead of recalling entire order, ends of justice will be met by ratifying the figures.

8. The civil application is allowed in terms of prayer clauses 'B' and 'C'. The necessary corrections shall be carried out in paragraph Nos. 2 to 6 and 9. The civil application is disposed of.

9. In paragraph No. 3 figure of Rs. 36,669/-, shall be replaced by Rs. 1,26,267/- and instead of Rs. 45,758/- figure of Rs.

1,57,833/- shall be recorded. In paragraph Nos. 4 and 5 amount of Rs. 1,65,448/- shall be replaced by Rs. 2,94,457/-. In paragraph No. 6 Exhibit 16 shall be replaced by Exhibit 13. Necessary corrections shall be made and corrected copy be uploaded.

[SHAILESH P. BRAHME J.]

bsb/Sept. 25