



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 14115 OF 2016
IN
REVIEW APPLICATION STAMP NO. 27515 OF 2016
IN
FIRST APPEAL NO. 27 OF 2001
WITH
REVIEW APPLICATION STAMP NO. 27515 OF 2016
IN
FIRST APPEAL NO. 27 OF 2001**

Nagesh @ Satish Nagorao Pande .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri Pravin N. Kalani, Advocate for the Applicant.

Shri K. K. Naik, Advocate for the Respondent No. 1.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 09TH MAY, 2025.**

FINAL ORDER :

. Civil application for condonation of delay of 538 days and review application are taken up for hearing by the consent of the parties. Yesterday also this matter was heard and for ascertaining the calculations of para No. 7 it was kept today.

2. Applicant is seeking review of the judgment and order dated 11.02.2015 passed in First Appeal No. 27 of 2001 on the limited ground of arithmetical calculations. Applicant's first appeal for enhancement was partly allowed enhancing

compensation to Rs. 12,79,816/-. Learned counsel Mr. Kalani submits that the computation shown in para No. 7 by deducting 33% towards development expenses twice is a mistake apparent on the face of the record. It cannot be the purport of the judgment to deduct the development expenses at the time of considering the total area of the lands as well as from payable amount of compensation.

3. My attention is adverted to para Nos. 7 to 11 of the application which are good grounds for condonation of delay. It is submitted that the applicant is ready to forego statutory benefit and interest for the delayed period of 538 days. As there is apparent mistake in the calculations and loss of Rs. 6,30,356/-, it is desirable to condone the delay.

4. Learned Assistant Government Pleader dispels the submissions of the applicant for condonation of delay as well as review application. He would submit that calculations are proper and there is no need to resort to review jurisdiction. It is further contended that delay has not been explained properly.

5. I have considered submissions of the parties. Considering the grounds pressed into service for condonation of delay, I find that delay needs to be condoned. There are no malafides on the part of the applicant for preferring review belatedly. Applicant is ready to forego statutory benefit and interest for the delayed period. His conduct is bonafide. The civil application for condonation of delay is allowed in terms of prayer clause 'B'.

Office is directed to register the review application.

6. I have gone through para No. 7 of the judgment and order under review. It is permissible to deduct development expenses once. Calculations in para No. 7A and 7B shows that twice 33% development expenses have been deducted causing pecuniary loss of Rs. 6,30,356/-. That is not the purport of the judgment or legal position. Therefore, applicant is entitled to receive total amount of Rs. 19,10,172/- instead of Rs. 12,79,816/-. It is a mistake apparent on the face of record and needs no in depth inquiry. Present case squarely falls within four corners of Order 47 read with Sec. 114 of the Code of Civil Procedure.

7. In view of the above, the review application is allowed in terms of prayer clause “B” on condition that the applicant shall not be entitled to statutory benefit and interest for the delayed period of 538 days and accordingly amount of compensation be computed and disbursed. The civil application for condonation of delay and review application stand disposed of.

[SHAILESH P. BRAHME, J.]

bsb/April 25