

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.115 OF 2023
IN
WRIT PETITION NO.6873 OF 2022

VAIBHAV
RAMESH
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Vithhal Eknath Gore & Ors. ... Petitioners
V/s.
Gajarabai Alias Sojarbai Eknath Gore &
Ors. ... Respondents

Mr. Amit Sale for the petitioners in review petition.

Mr. Manoj Bagal for the petitioners in writ petition.

Mr. N. C. Walimbe, Addl. G. P with Mr. S. L. Babar, AGP
for the State.

Mr. Aniesh S. Jadhav for respondent Nos.4 and 5 in
review petition.

Mr. Gajanan Savagave for respondent No.6.

CORAM : AMIT BORKAR, J.

DATED : MARCH 03, 2025

P.C.:

1. The learned advocate for the original petitioner, upon instructions, has prudently circumscribed the claim of the petitioners to the receipt of compensation exclusively in relation to the fruit-bearing trees, well, bore-well, and pipeline situated on land bearing Gat No.1068/5. The learned advocate has expressly stated that the petitioners have no subsisting right to seek compensation in respect of land bearing Gat No.1068/4, thereby

narrowing the scope of the present lis and obviating any need for adjudication on claims pertaining to the said parcel of land. This concession, being unequivocal and unequivocally recorded in open court, binds the petitioners to the extent of the present adjudication.

2. Upon due consideration of the rival submissions and an exhaustive perusal of the material on record, this Court is satisfied that paragraphs 5 and 5(a) of the order dated 13 December 2023 warrant modification in the interest of clarity and precision, to reflect the limited entitlement of the petitioners. Accordingly, the following substitution shall be made:

“5. Upon hearing the learned counsel for the parties and appreciating the undisputed factual matrix, it emerges that there exists no serious contestation with respect to the entitlement of the petitioners to a 1/6th share in the property in question. However, in view of the sale deed dated 8 January 2013 concerning Gat No.1068/5, the rights of the petitioners to claim compensation for fruit-bearing trees, well, bore-well, and pipeline remain preserved. In the light of this uncontroverted position, it is clarified that the petitioners shall be entitled to withdraw the amount of compensation exclusively in respect of the fruit-bearing trees, well, bore-well, and pipeline situate on Gat No.1068/5.

a) Consequently, the petitioners are permitted to withdraw the compensation amount sanctioned in respect of fruit-

bearing trees, well, bore-well, and pipeline pertaining to Gat No.1068/5. ”

3. The remaining portions of the order dated 13 December 2023 shall continue to remain operative and unaffected by the present modifications.
4. The review petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)