



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

MISC. CIVIL APPLICATION NO.60 OF 2026 IN
FIRST APPEAL NO.794 OF 2014 [D]

[Shri Naresh s/o Santosh Bhaiswar .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Dr. Mrs. Renuka S. Sirpurkar, Advocate for Applicant/Appellant.
Mr. G.S. Umale, AGP for Non-Applicant Nos.1 and 2/State.
Mr. U.A. Gosavi, Advocate for Non-Applicant No.3.
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CORAM : PRAVIN S. PATIL, J.
DATED : 16.02.2026.

1. By this application, the applicant is seeking the review of the judgment and order dated 24.09.2025 passed by this Court in the matter.
2. The applicant came with a submission in the review application that this court though recorded in the order by relying upon the Joint Measurement Report (JMR) prepared on 15.06.1999, wherein on the objection of the present applicant, in addition to the earlier joint measurement, has included the other 47 fruit bearing trees. However, in the conclusion part of the judgment, this aspect was not considered, hence seeks review of the order.
3. The learned counsel appearing for the non-applicant no.3 has strongly opposed the application. According to him, there are different documents placed on record showing different number of trees. Therefore, considering all these documents, this court has passed the order and rightly dealt with the number of trees. According to him, if this submission of the applicant is accepted it would amount to reconsider the

case of the applicant and hence the review application is not tenable.

4. In the present case, from the perusal of the Joint Measurement Report, it is clear that there is a separate column was prepared by the Land Acquisition Officer dated 15.06.1999 and under the column that in addition to the earlier joint measurement, has recorded of additional 47 fruit bearing trees i.e. 20 sweet limes trees and 27 orange trees.

5. It is also pertinent to note that this court in Para 25 of the judgment has considered this aspect by recording the finding that this document is not disputed in the matter, but while awarding the compensation, there is no mentioned of this 47 trees.

6. In the circumstances, I am of the opinion that there is a prima facie error committed by this court while counting the number of trees in the matter. Hence, considering the fact that there is an error apparent on the face of the record, the application filed by the applicant deserves to be allowed. Hence, I proceed to pass the following order :

O R D E R

(a) Misc. Civil Application is allowed.

(b) It is made clear that in addition to the compensation awarded by this court, the applicant is entitled for the compensation of 47 fruit bearing trees at the rate of Rs.5,000/- per tree.

(c) The MCA accordingly disposed of. No order as to costs.

(PRAVIN S. PATIL, J.)