

THE HIGH COURT OF MADHYA PRADESH
RP-1043-2020
(The Managing Director Madhya Pradesh State Vs. Kusumal & ors.)

Gwalior Dt. 20.11.2020

Shri Vilas Tikhe, learned counsel for the petitioner.

Shri Vivek Kumar Mishra, learned counsel for the respondent No.1.

Shri Vijay Sundram, learned Panel Lawyer for the respondent/State.

Learned counsel for the rival parties are heard through video conferencing.

Present petition seeks review of the final order dated 21.09.2020 passed in WP 13421/20 (Kusumal Vs. State of M.P. & ors.) by which the petition in question was disposed of with the following directions:-

“Accordingly, without entering into merits of the matter, this Court disposes of this petition with following directions:

1. On producing copy of this order along with the copies of receipts Annexure P-2 by the petitioner before respondent No.6 within a period of 15 days, said respondent No.6 shall take appropriate consequential steps.

2. Respondent No.6 shall either release the sale consideration if due to the petitioner within a further period of one week and if there is any reason for denial then a speaking order be passed and communicated to the petitioner in that regard within one week, thereafter.

3. A copy of this order shall also be served by the petitioner on Collector, Shivpuri (M.P.) who shall ensure the rightful claim of the petitioner to be released, if due under the law by using his good office.”

Learned counsel for the petitioner points out that in the certified copy obtained by the review petitioner which is P/1, the respondent No.6 (Manager Seva Sehkari Sanstha Behta Shivpuri District Shivpuri) has been shown as respondent No.7 whereas the same is respondent No.6 in the original memo of petition.

It is submitted that this mistake in the certified copy has occurred since

there were two parties impleaded as respondent No.1 (respondent No.1 (a) and respondent No.1 (b)) in the main petition while in the certified copy the party impleaded as respondent No.1 (b) has been shown as respondent No.2.

In view of the above, it is submitted that there is a confusion in executing the order under review.

After appreciating the arguments of learned counsel for the review petitioner and absence of objection on the part of learned counsel for the respondent No.1 who was petitioner in the main petition, this Court disposes of this review petition by directing that in the operative portion of the order under review expression “respondent No.6” would be read as following:-

“Respondent No.6 (Manager Seva Sehkari Sanstha Behta Shivpuri District Shivpuri)”

Remaining part of the order under review shall remain intact.

Accordingly, this review petition stands disposed of.

(Sheel Nagu)
Judge