

**IN THE COURT OF THE SENIOR CIVIL JUDGE , AIZAWL DISTRICT,
AIZAWL MIZORAM**

Review Petition No.9/12 A/o D.S.No.17/07

1. Lalromawii
D/o Lalduha
Zemabawk, Aizawl.
2. Lianhela
S/o Sawithanga
Sairang Venglai.

.....Plaintiff.

-Vrs-

1. Govt. of Mizoram,
Represented by Chief Secretary.
2. Secretary/Commissioner
i/e Forest Deptt., Govt. of Mizoram.
3. Principal Chief Conservation of Forest,
Govt. of Mizoram.
4. Divisional Forest Officer,
Sairang Forest Division,
Govt. of Mizoram.
5. Range Officer,
Sairang Forest Range.
6. R.Thangluaia,
S/o Laikunga,
Sairang, Mizoram.
7. Lallawmthangi,
W/o Chhuanawma
Sairang, Mizoram.

..... Defendants.

BEFORE

R.VANLALENA, Senior Civil Judge

For the Plaintiff : Shri C.Lalrinchhunga & Ors, Advocates.

For the Defendants: Shri B.Lalramenga & Ors, Advocate.

JUDGMENT ORDER**6.8.2012**

Review petitioner is present through her Learned Counsel Shri C.Lalrinchhunga & others, Advocate.

Respondent (Government of Mizoram, Forest Department) is present through Learned Counsel Shri B.Lalramenga.

Today is fixed for preliminary hearing on maintainability of the Review Petition No.9 of 2012 Arising out of D.S.No.17/2007.

The Ld. Counsel for the petitioner submitted that the instant Review petition has been filed arising out of the Judgment and Order passed by the court in Declaratory Suit No.17/2007 by which the court dismissed the said suit on the ground that there were no overlapping of Periodic Patta of each of the party in the said suit. However, as the Plaintiff/Petitioner in the said suit prayed for compensation from the Forest Department due to the crops of the petitioner destroyed by the said Department without the knowledge and consent of the petitioner which was overlooked and not discussed by the judgment. Hence prayed for review of the judgment.

On the other hand, the Ld. Counsel for the Environment & Forest Department submitted that the judgment has made a right decision by dismissing the D.S.No.17 of 2012 as it is only declaratory in nature. Hence the question of giving or paying compensation cannot be an issue in a suit where the nature of the suit is only a declaratory in nature. Hence, there is no question of reviewing the said judgment. He added that the application for review of the judgment has been barred by law of limitation.

On hearing both parties, this court is of the opinion to dismiss the instant application for review of the Judgment & Order dated 30.3.2012 on the ground that there is no prima facie ground for review.

With this order, the review petition No.9 of 2012 A/o D.S.No.17 of 2007.

Sd/- R.VANLALENA
Senior Civil Judge
Aizawl District : Aizawl.

Memo No.....SCJ- II(A)/2012: Dated Aizawl the 6th August,2012.

Copy to:

1. The District and Sessions Judge, Aizawl District, Aizawl, Mizoram for information.
2. Lalromawii, D/o Lalduha, Zemabawk, Aizawl C/o Shri C.Lalrinchhunga & Ors, Advocates.
3. Lianhela, S/o Sawithanga, Sairang Venglai, Mizoram C/o Shri C.Lalrinchhunga & Ors, Advocates.
4. Govt. of Mizoram, Represented by Chief Secretary through Shri B.Lalramenga & Ors, Advocates.
5. Secretary/Commissioner i/e Forest Deptt., Govt. of Mizoram through Shri B.Lalramenga & Ors, Advocates.
6. Principal Chief Conservation of Forest, Govt. of Mizoram through Shri B.Lalramenga & Ors, Advocates.
7. Divisional Forest Officer, Sairang Forest Division, Govt. of Mizoram through Shri B.Lalramenga & Ors, Advocates.
8. Range Officer, Sairang Forest Range through Shri B.Lalramenga & Ors, Advocates.
9. R.Thangluaia, S/o Laikunga, Sairang, Mizoram.
- 10.Lallawmthangi, W/o Chhuanawma, Sairang, Mizoram.
- 11.Case record.

PESHKAR