

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

WRIT PETITION NO.3490 OF 2014

Sanjay s/o Laxman Choudhary,
Age 45 years, Occu.Agriculture,
R/o Shendurni, Taluka Jamner,
District Jalgaon

..Petitioner

Versus

1. Surekha Mahesh Khakare,
Age 38 years, Occu.Household,
R/o Gondegaon, Taluka Jamner,
District Jalgaon
2. Laxman s/o Shenfadu Choudhary
Age 72 years, Occu.Agriculture,
R/o Shendurni, Taluka Jamner,
District Jalgaon
3. Raju s/o Laxman Choudhary,
Age 43 years, Occu.Agriculture,
R/o Shendurni, Taluka Jamner,
District Jalgaon

..Respondents

Mr V.B.Garud, Advocate for petitioner
Mr M.M.Bhokarika, Advocate for respondent no.3

CORAM : N.W. SAMBRE, J.

DATE : 27th January 2015

PER COURT

1. The order dated 20th February 2014 whereby the learned trial Court has refused to carry out correction in the order dated 12th December 2013 permitting corrections/amendment, is impugned in the present petition as according to petitioner, the Court has committed an error by recording Gut No.416 instead of 414. The petitioner submits that he has specifically pleaded the relief qua Gut No.414, but the Court has committed error by mentioning Gut No.416 instead of Gut No.414.

2. The above referred fact is not disputed by the learned Counsel for the respondent, however, he submits that the appropriate remedy to the present petitioner is to file review petition.

3. In my opinion, even if there is a remedy of review to the petitioner, the fact remains that no prejudice will be caused to the respondent, if the correction, as sought by the petitioner is allowed to be carried out.

4. In view of above, the order dated 20th February 2014 passed by the learned trial Court is not sustainable so also its a non-speaking order.

5. As such, the order dated 20th February 2014 passed below Exh.60 in R.C.S.No.81/2006, by the learned Civil Judge, Junior Division, is hereby set aside. The matter is restored to the file of learned Civil Judge, Junior Division, Jamner, who is directed to decide the application Exh.60 in the light of above observations.

6. Writ Petition stands allowed in above terms.

(N.W. SAMBRE, J.)

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