

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

WRIT PETITION NO. 8318 OF 2014

1. Sudhakar S/o Lahu Waghmare,
Age: 38 years, Occu. Police Patil &
Agril R/o Shimpe Takali, Tq. Majalgaon,
dist. Beed.

2. Madhukar S/o Lahu Waghmare,
Age: 35 years Occu. Service,
R/o Shimpe Takali, Tq. Majalgaon,
dist. Beed.
At present Behind Phule Nagar,
Majalgaon, Dist. Beed.

...PETITIONERS
(Ori. Defendants)

versus

Santram S/o Kisanrao Kadam,
Age: 40 years, occu. Agril.,
R/o Sawargaon, Tq. Majalgaon,
Dist. Beed.

...RESPONDENT
(Ori. Plaintiff)

.....

Mr. B.S. Kudale , Advocate for Petitioners
Respondent No. 2 served - Absent.

.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 24th JUNE, 2015

Order :-

1. Petition has been moved by original defendants against order dated 19-08-2014 on Exhibit-43 in Regular Civil Suit No. 125 of 2013 passed by Civil Judge, Junior Division, Majalgaon, whereunder request of present petitioners - original defendants for carrying out corrections in typographic errors appearing in paragraph No. 26 of written statement as referred to in paragraph No. 2 of the amendment application at Exhibit-43, has been turned down.

2. This court had issued notice to respondent in September-2014. The respondent appears to have been served. It appears that the matter has been coming up before this court from time to time. Initially, an advocate purported to have sought time to file his power. Since April, 2015 the matter had appeared on board on couple of occasions, however, neither the advocate has filed power nor respondent has appeared.

3. Looking at that only typographical errors which have crept in due to inadvertence are sought to be corrected, I deem it appropriate to take up writ petition for hearing.

4. Perusal of impugned order shows that the trial court had expressed inability to consider the request for the reason that trial had commenced. Looking at that, the respondent has not caused his appearance which shows that he is not seriously opposing the request. I think it is a fit case, pedantic approach needs to be avoided.

5. In view of aforesaid, order dated 19-08-2014 below Exhibit-43 in Regular Civil Suit No. 125 of 2013 passed by Civil Judge, Junior Division, Majalgaon, stands set aside and Exhibit 43 stands allowed.

6. Writ petition, as such, stands disposed of accordingly.

Sd/-

(SUNIL P. DESHMUKH, J.)