

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

CIVIL APPLICATION (W) NO. 985/2015
IN WRIT PETITION NO. 1869/1998.

Archana Dhananjay Mulay and others.

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P.DHARMADHIKARI
& P.N. DESHMUKH, JJ.

DATE : JULY 03, 2015.

Heard Shri S.C. Mehadia, learned counsel
for the applicants/original petitioners, Shri S.M. Ukey,
Addl. G.P. for respondent nos. 1 and 2, Shri S.V.
Sohoni, learned Counsel for respondent no.3
Municipal Corporation and Shri A. Parchure, learned
counsel for intervenors.

2. Learned counsel for the applicants submits
that on account of some communication gap, when
Writ Petition was heard and judgment was delivered
on 18.04.2015, a statement that Civil Suit filed by the

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applicants / petitioners against the purchasers is pending, came to be made and it has been so recorded in paragraph no.21 of the judgment. He submit that no Civil Suit is pending and applicants have filed proceedings under Section 138 of the Negotiable Instruments Act against the purchasers. Those proceedings are pending. He therefore seeks this correction in paragraph no.21 of the judgment.

3. Shri Ukey, learned Addl. G.P., Shri Sohoni and Shri Parchure, learned counsel appearing for respondents and intervenor, submit that they have no instruction about filing or pendency of such proceedings under Section 138 of the Negotiable Instruments Act, however, according to them as said narration does not in any way affect the ultimate result of Writ Petition, by accepting the statement made on affidavit by the applicants/petitioners, and at their risk the corrections can be carried out.

4. Accordingly, the second sentence in paragraph no.21 of the judgment at its page no.15 which reads *“Though during final arguments, it has been urged that civil suit between the vendors and purchaser is going on, said civil suit or its exact nature*

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has not been disclosed.” is substituted by the following sentence “Though prosecution under Section 138 of the Negotiable Instruments Act filed by the petitioners against purchasers are stated to be pending, details thereof have not been disclosed.”

5. Judgment dated 18.04.2015 is accordingly corrected only to that extent. Civil Application is allowed to that extend and disposed of. No costs.

JUDGE

JUDGE

Rqd.