

FARAD CONTINUATION SHEET NO.
 IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 APPELLATE SIDE, BENCH AT AURANGABAD
CIVIL APPLICATION NO.2723 OF 2016
IN
F.A.NO.208 OF 2012
WITH
F.A.NO.209 OF 2013.

**Shaikh Nizamoddin S/o Haji Amiroddin Chaudhari died through
 L.Rs. Vs. The State of Maharashtra and another.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.G.R.Syed, advocate for the Applicants.
 Mr.S.P.Sonpawale, A.G.P. for the State.
 Mr.A.D.Soman, advocate holding for Mr.D.V.Soman,
 advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA AND
 K.K.SONAWANE, JJ.**
Date : 22.04.2016.

PER COURT :

1. Heard.
2. Mr.Syed, learned counsel contends that there is a mistake committed by the Registry of the Court of Civil Judge (S.D.), Latur while preparing the Bill of Cost. In the said Bill of Cost, it is shown that the claimants have received Rs.1,88,817/- (Rupees one lac eighty eight thousand eight hundred seventeen only) under protest towards the land. However, the applicants/original claimants have received only an amount of Rs.96,794/- (Rupees

ninety six thousand seven hundred ninety four only). The learned counsel submits that application was made for correction in the decree and the Bill of cost, however, the application was rejected on the ground that the appeal is pending.

3. The record would be with the trial Court about the amount withdrawn by the applicants. The Bill of cost is prepared under the signature of the 2nd Joint Civil Judge (S.D.), Latur. Even if Section 152 of the C.P.C. is invoked, the correction will have to be made by the same Court.

4. Considering the above, the order passed by the trial Court in M.A.No.16/2012, is set aside. The trial Court shall reconsider the said application on its own merits. For the purpose of correction, the record and proceedings received by this Court be sent back to the trial Court with intimation that after the purpose is over, the same shall be returned back to this Court.

5. The Civil Application is disposed of.

(K . K . SONAWANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.22.04.2016.
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