

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 11412 OF 2015

Peter C. Bain	Petitioner
V/s.	
Yusuf Sheikh and Anr.	Respondents

Mr. B.S. Nayak for the Petitioner.

**CORAM : K. K. TATED, J.
DATED : 19/07/2016**

PC.:

. Not on board. At the request of Advocate for the petitioner, matter is taken on board for urgent orders.

2 By this petition under Article 227 of the Constitution of India, the petitioner original plaintiff challenges the order dated 12.08.2015 passed by Trial Court rejecting petitioner's praecipe for speaking to minutes of order dated 31.01.2015.

3 The learned Counsel for the petitioner submits that though the petitioner specifically pointed out in his praecipe about typographical errors in the order dated 31.01.2015 in Notice of Motion No. 1847 of 2010, the Trial Court without giving any reason rejected their praecipe only on the ground that those corrections do not fall within the purview of Section 152 of Code of Civil Procedure, 1908.

4 It is to be noted that in the praecipe, petitioner plaintiff pointed out the following typographical errors in the order.

“a) The name of Defendant No.2 to be substituted instead of Defendant No.1.

b) The date February, 2015 may be substituted by 20.05.2010 etc.”

5 Considering the submissions made by the learned Counsel for the petitioner and order dated 31.01.2015 in Notice of Motion No. 1847 of 2010, I am satisfied that petitioner has made out case for allowing this Writ Petition with direction to the Trial Court to consider the petitioner's praecipe dated 12.08.2015 for speaking to minutes of order dated 31.01.2015 on its own merits.

6 Hence, following order is passed:

a) Order dated 12.08.2015 passed by Trial Court on petitioner's praecipe for speaking to minutes of order dated 31.01.2015 is set aside.

b) Matter is remanded to the Trial Court to consider the petitioner's/plaintiff's praecipe dated 12.08.2015 for speaking to minutes of order dated 31.01.2015 on its own merits.

c) Parties to act on authenticated copy of this order.

d) Writ Petition stands disposed of accordingly.

(K.K.TATED, J.)