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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1639 OF 2017
IN
SECOND APPEAL NO.80 OF 2015

Suresh Premraj Mutha

APPLICANT

VERSUS

Municipal Corporation, Aurangabad

RESPONDENT

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Mr.V.J.Dixit, Sr.Advocate i/b Mr.S.R.Deshpande, Adv for applicant
Mr. R.S.Deshmukh h/f Mrs.M.A.Deshpande, Adv. for respondent

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[CORAM : SUNIL P. DESHMUKH, J.]
DATE : 3rd FEBRUARY, 2017

ORDER :

1. Heard learned advocates for the parties.
2. Mr. Dixit, learned senior advocate contends that observations as are appearing in paragraph No.6 of order dated 19th December, 2016 in Second Appeal No.80 of 2015, particularly the sentence -

“taking into account observations in order dated 12th August, 2016”

are likely to hamper the interest of the plaintiff and the court may be influenced by the same.
3. Mr. Deshmukh, learned advocate appearing for the respondent, submits that these are incidental observations while passing the order and are unlikely to affect merits of the case.

4. Since an apprehension has been expressed and an argument is being advanced that these are incidental observations, in order to remove possibility of arguments over the same, as deletion of the sentence would not affect either of the party, it appears to be expedient, without getting embroiled in arguments over this, to delete the sentence from the order, as requested.

5. Sentence appearing in paragraph No.6 in order dated 19th December, 2016, to the effect "*taking into account observations in order dated 12th August, 2016*" stands deleted and the order be construed accordingly.

6. Certified copies hitherto issued may be deemed to have been corrected accordingly and henceforth corrected certified copies be issued.

7. Record and proceedings, if not already sent, be sent back immediately.

8. In view of the same, civil application stands granted in terms of prayer clause "B" and is disposed of.

[SUNIL P. DESHMUKH, J.]