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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1937 OF 2017
WITH
CIVIL APPLICATION NO.3682 OF 2017
IN
CIVIL REVISION APPLICATION NO.557 OF 1995

Shriniwas Shaligram Totla (Died) LRs and Others APPLICANTS

VERSUS

Dagdu Ramchandra Waghmare RESPONDENT

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Mr. Satyajit S. Bora, Advocate for the applicants

Mrs. M. A. Kulkarni, Advocate for respondent

Mr. A. S. Bajaj, Adv. for intervenor (applicant in CA 3682/2017)

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 7th APRIL, 2017

ORDER :

1. Heard Mr. Bora, learned advocate for the applicants and Mrs. Kulkarni, learned advocate for the respondent.
2. Under this application, a request is made for rectification of error which had crept in while decision in civil revision application No. 557 of 1995 had been recorded.
3. It appears that two civil revision applications, viz; civil revision application No. 557 of 1995 and civil revision application No. 906 of 1995 were decided simultaneously. It appears that same landlord had preferred the two civil revision applications

against two different tenants on similar grounds. While civil revision application No. 557 of 1995 related to "shop No.8", civil revision application No. 906 of 1995 related to "shop No.12". It appears that the decisions in two civil revision applications have been verbatim the same.

4. The reference to shop number in the decisions appears only at one place particularly paragraph No. 3 of decisions, same had not been immediately realized. It occurred while same came to be pointed out to the applicants by the executing authorities. It is under these circumstances, application has been moved.

5. Mr. Satyajit S. Bora submits, it appears recording of decision in civil revision application No. 960 of 1995 had preceded recording of decision in civil revision application No. 557 of 1995 and while decision of civil revision application No. 557 of 1995 came to be recorded, it had not been realized that *mutadis mutandis* variations ought to occur in respect of subject matter involved in respective civil revision applications. Corresponding alteration was missed out to be made in respect of its subject matter, shop No. 8 at relevant place in paragraph No. 3 of decision. It appears to have skipped attention of one

and all and paragraph No. 3 of decision in civil revision application No.557 of 1995 continued to show shop No. 12.

6. Mrs. Kulkarni, learned advocate submits that quite a few developments have taken place after decision had been given in civil revision applications and that if rectification as requested under civil application now takes place, that may affect developments so far which have taken place.

7. Although it is being so argued on behalf of the respondent, yet one may have to take into account that mistake occurring with reference to the subject matter in the decision is hardly attributable to the applicants. Nor it can be said that the mistake has been an under any deliberation.

8. Inadvertently and may be by oversight, neither the office staff nor the signatory realized that reference to the subject matter of the revision, which was in fact "shop No.8" had not been altered, and "shop No.12" as has been recorded in the order in civil revision application No. 906 of 1995 continued to be shown.

9. As referred to above, it appears that it is an inadvertent mistake and a human error occurring in the circumstances,

under which decisions in two civil revision applications had been recorded. The request does not appear to be illegitimate. In the circumstances, it would be expedient that the request made under the application would be granted.

10. In view of aforesaid, civil application No. 1937 of 2017 stands granted in terms of prayer clause "B" and is disposed of. Accordingly, correction be carried out in the order and corrected writ be issued. Copies hitherto issued shall be deemed to have been corrected accordingly.

11. So far as civil application No. 3682 of 2017 for intervention on behalf of third party is concerned, it is for the third party to take up its cause as would be advised in appropriate proceedings. It is being further informed that objections have already been raised before the executing authority. This order shall not be deemed to meddle with or impede their case.

12. This rectification shall not affect the contentions by the parties.

13. In view of above, both civil applications stand disposed of.

[SUNIL P. DESHMUKH, J.]