

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11785 OF 2016

VIMLABAI NANDKISHOR JAISWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Shri Jaiswal Rupesh A.
AGP for Respondents 1 & 2 : Shri Bhagat N.T.
Advocate for Respondents 3 to 5 : Shri Shinde Balaji S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 01, 2017
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PER COURT:-

1. Heard learned Advocates for the respective parties.
2. The petitioner is aggrieved by the order dated 13.4.2016 passed by the trial Court, by which, though the petitioner had prayed for replacing the words "Survey No." with the words "Gut No.", the trial Court allowed the application for amendment Exhibit 34 and allowed the petitioner / plaintiff to replace the words "Gut No." by "Survey No.".
3. The petitioner is also aggrieved by the order dated 27.9.2016, by which, his Review Application Exhibit 40 was rejected as it was filed beyond 30 days from the date of the order and was hit by Article 124 of the Limitation Act, 1965.

4. It is undisputed that the two sale deeds at issue dated 24.7.1974 and 24.11.1982 carry the number of the suit land as Survey No.196/2 and Survey No.196/1. There is no error in the said aspect. However, on account of the consolidation of the Gut areas, the said two portions of the land are now identified as Gut Nos.196/1 and 196/2. The petitioner had prayed, in Exhibit 34, for replacing the words "Survey No." with "Gut No." in the plaint, so as to put the record in its right place. The trial Court permitted him to amend, by replacing the words, "Gut No." with "Survey No.". Apparently, an error has crept into the impugned order dated 13.4.2016.

5. For the said reason, this petition is partly allowed and the impugned order dated 13.4.2016 is partly modified only for permitting the petitioner to replace the words "Survey No." with "Gut Nos." in the plaint. The rest of the order shall remain.

6. As a consequence to the above, the second impugned order dated 27.9.2016 would lose its efficacy and as such is rendered redundant.

7. For the above reasons, this petition is partly allowed. The

petitioner shall amend the plaint by using the words “Gut No.”
for describing the property in the plaint.

(RAVINDRA V. GHUGE, J.)

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