

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 338 OF 2017

IN

WRIT PETITION NO. 689 OF 2016

SMT. ASHA HARISHCHANDRA PARSEKAR @
SMT. ALKA TORASKAR., ... Applicant
Versus
SHRI. ASHOK ANANT TORASKAR., ... Respondent

Ms. Asha A. Desai, Advocate for the Applicant.

Mr. Balkrishna Sardessai, Advocate for the Respondent.

Coram:- M. S. SONAK, J.

Date:- 4th May, 2017

P.C:

Heard Ms. Asha Desai, the learned Counsel for the applicant and Mr. Balkrishna Sardessai, the learned Counsel for the respondent.

2. This Court, by order dated 09.02.2017 in Writ Petition No. 689/2016 had permitted the petitioner to amend the pleadings and correct the clerical error, which had arisen in the pleadings on account of accidental slip or omission.

3. In para 13 of the order dated 09.02.2017, this Court recorded the statement of the petitioner that the petitioner does not intend to lead any further oral or documentary evidence and shall not claim remand, if the amendment is granted and the matter can be

decided on the basis of the evidence already led.

4. Ms. Desai, however, points out that in the affidavit in lieu of examination in chief filed by the petitioner and her witness, as well as, in the cross examination on the basis of such examination in chief, the clerical error which has crept into the pleadings, has also found its way in the evidence led by the parties. In this circumstance, Ms. Desai submits that either the order dated 09.02.2017 be modified or it may be clarified that the error, which was permitted to be corrected in the pleadings by this Court's order dated 09.02.2017, will also enure for similar corrections in the evidence already led by the parties.

5. The request of Ms. Desai is quite reasonable and Mr. Sardesai has also very graciously not opposed such request. Hence, it is clarified that the error, which was permitted to be corrected in the pleadings by this Court's order dated 09.02.2017, will also enure for the evidence, which is already led by the parties. Accordingly, this error shall be deemed to have been corrected in the evidence, which is already led by the parties. This is to mean that in the evidence wherever, there is reference to Survey No. 277/8-A, the same shall be read as reference to Survey No. 277/8 and similarly, wherever there is reference to Survey No. 277/8, the same shall be read as reference to Survey No. 277/8-A.

6. With the aforesaid clarification, this Civil Application is disposed of.

7. All concerned to act on the basis of the authenticated copy of this order.

M. S. SONAK, J.

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