

**A.No.68 of 2017
in
E.P.No.62 of 2016**

M.M.SUNDRESH, J.

Seeking to rectify the error said to have been committed in the order passed on 12.12.2016, the present application has been filed.

2.Learned counsel appearing for the applicant submits that the error is to the effect that the learned counsel has made a submission that no more documents are required to be filed. In fact, the submission made by the learned counsel has been wrongly noted as it was only made at the time of arguments alone and hence the same will not disentitle the applicant from filing further documents at the time of deciding the execution petition finally.

3.Mr.V.Raghavachari, learned counsel for respondents 3,4, 6 and 12 vehemently opposes the application by stating that the application, if allowed, would amount to clarification or modification of the order passed, which is not permissible in law. Learned counsel also submits that the conduct of the applicant does not warrant any indulgence.

4.This Court did not go into the merits of the case while passing the order on 12.12.2016. On a wrong understanding, the above said submission made by the learned counsel has been recorded. The object of recording the said fact was to expedite the trial before the learned Master. When once this Court is of the view that the final decision can be taken only thereafter, the intention was not to prevent a party from having a complete adjudication on merits. After all, what the applicant wants is a fair adjudication. It has already been observed by this Court as well as the Division Bench that ultimately, it is for the applicant to prove his case. Therefore, this Court is of the view that the application deserves to be ordered, which would in fact enable the applicant to putforth his case in the light of the observations made supra. Therefore, this Court does not want to stand on technicalities in denying the applicant a fair opportunity of putting forth his case. Accordingly, the application is ordered as prayed for.

11.01.2017

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