

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Fourteenth day of November Two Thousand Seventeen

PRESENT

THE HON'BLE MR JUSTICE RAJIV SHAKDHER

and

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CMP No.19468 of 2017

in OSA No.248 of 2017

1 RAJINI MAHALINGAM [PETITIONERS]

2 M. MANIKANDAN

vs

M. SIVALINGAM [RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the order dated 23-10-2017 passed in the above CMP No. 15871 of 2017 as follows

1) the O.S.A. No in the preamble portion 1st para of the order to read as O.S.A. No. 248 of 2017 instead of 298 of 2017

2) the relevant date in para 3, 5th line to be altered from 01.04.2017 to 01.04.2007

iii) mention the deposit within 2 weeks from 23-10-2017 instead of before the next date of hearing in para 5 pending OSA No.248 of 2017.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. P.B.BALAJI Advocate for the petitioner and of MS.C.SANGAMITHIRAI Advocate on behalf of the Respondent the court made the following order:-

(Order of the Court was made by RAJIV SHAKDHER,J.)

1. This is a petition whereby the original respondent seeks correction of certain typographical errors.

2. Issue notice. Ms. C.Sangamithirai, who appears for the appellant accepts notice.

2.1. Learned counsel says that she has no objection if the typographical errors pointed out in the petition are corrected by the Court.

3. In paragraph '4' of the affidavit accompanying the petition, the following typographical errors have been pointed out:

“.. ..a) The O.S.A.No. in the preamble portion, 1st para of the order reads as O.S.A.No.298 of 2017 instead of O.S.A.No.248 of 2017.

b) The relevant date 1.04.2007 has been mentioned as 01.04.2017 at Para 3,5th line of the order.

c) Though the last line at para 6 requires deposit within 2 weeks from 23.10.2017, in para 5, it has been mentioned that the deposit should be before the next hearing date which is 04.12.2017 only as can be seen in the last para, para 8 of the order”

4. Besides what is stated above, we note that in paragraph 3, in the last but one line, instead of the expression “respondent vacates”, it should read “appellant vacates”.

4.1. We may also point out insofar as the typed copy of the order is concerned, the appeal number is rightly mentioned, which is OSA.No.248 of 2017. The error in fact has crept in the certified copy.

5. Accordingly, the typographical errors pointed out in paragraph '4' of the affidavit accompanying the petition are taken in to account. The order dated 23.10.2017 shall stand corrected to that extent.

5.1. Moreover, as indicated above, in paragraph '3' in the place of expression “respondent vacates, the expression “appellant vacates” shall stand incorporated.

5.2. All other directions contained in the order shall remain unaltered.

6. Resultantly, the appellant would now pay 50% of the damages, as directed by the learned single Judge, at the rate of Rs.20,000/- (Rupees twenty thousand only) per month from 01.4.2007 till the date when the appellant vacated and handed over the suit property to the respondent, *albeit*, within two (2) weeks from today.

7. No further orders are called for in the captioned petition.
The petition is, accordingly, disposed of.

-sd/-
14/11/2017
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUB ASSISTANT REGISTRAR
ORIGINAL SIDE, HIGH COURT, CHENNAI-104.

C.C. to M/S. P.R. BAMANUJAM Advocate SR.NO.14464

C.C. to MS.C.SANGAMITHIRAI Advocate SR.NO.14517

Order

in
CMP.19468/2017

in
OSA.248/2017

Date :14/11/2017

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VS 22.11.2017