

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M. GANGA RAO**

WRIT APPEAL No.1427 OF 2017

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Sri Ch. Jagannatha Rao, learned counsel for the appellant, would submit that the writ petition was disposed of on the same day on which the respondents filed their counter-affidavit; a copy of the counter-affidavit was served on the petitioner's counsel across the bar on that day; no time was granted to the petitioner to file a reply affidavit; and dismissal of the writ petition, on the ground that no reply affidavit was filed by the petitioner justifying the allegations made in the counter-affidavit, is illegal.

In **State of Maharashtra v. Ramdas Shrinivas Nayak¹**, the Supreme Court held that statement of Judges recorded in the judgment, as to what transpired in the Court, cannot be permitted to be contradicted by statements at the Bar, or by affidavit; statement of fact as to what transpired at the hearing, recorded in the judgment of the Court, are conclusive of the facts so stated; if a party thinks that the happenings in the Court have been wrongly recorded in the judgment, it is incumbent upon the party, while the matter is still fresh in the minds of the Judges, to call the attention of the very Judges, who have made the record, to the fact that the statement made with regard to his conduct was a statement that had been made in error; and that is the only way to have the record corrected.

¹ AIR 1982 SC 1249

In the light of the law laid down in the aforesaid judgment, the remedy which the appellant has, to have statement of facts recorded in the order corrected, is only by invoking the jurisdiction of the learned Judge himself by way of a review. Leaving it open to the appellant to do so, the appeal fails and is accordingly dismissed.

Miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

RAMESH RANGANATHAN, ACJ

21st SEPTEMBER, 2017.

M. GANGA RAO, J

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