

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2866 OF 2014

Namdeo Kalya Patil (Koli)	...	Petitioner
V/s.		
Dharmesh Dinkar Sawant & Ors.	...	Respondents

- Mr.Sanjiv A. Sawant for the Petitioner.
- Mr.Rajesh P. Behere for Respondent No.1.
- Mr.B.B. Sharma for Respondent No.5.
- Mr.M.G. Bagkar i/b. Mr.Sandeep V. Marne for Respondent No.6.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 6th MARCH, 2018.

P.C. :

1] Heard learned counsels for both the parties.

2] By this Writ Petition filed under Article 227 of the Constitution of India, the Petitioner is challenging the order dated 20th December 2013 passed by the 6th Jt. Civil Judge Senior Division, Thane, below Kirkol Application No.17 of 2013.

3] The said Application was filed by the Respondents herein for correction of clerical mistake in the judgment and decree arising therein. The mistake or the error is that, instead of “Defendant No.5” it was mentioned as “Defendant No.6”.

4] As can be seen from the impugned order, it is clearly seen that it was due to oversight the wrong number of Defendant was typed and thus, it is a minor correction. The trial Court has therefore rightly allowed the said application.

5] The only contention raised by learned counsel for the Petitioner is that, against the said judgment and order, the appeal was filed and during the pendency of the appeal, it was not proper on the part of the trial Court to grant such application for amendment of the order, which was sub-judice before the Appellate Court.

6] However, in my considered opinion, as the correction sought and allowed was only of a clerical or typographical error, on that count the said order need not be disturbed. Hence, the Writ Petition being without merit, stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]