

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5377 OF 2017

Dhaniram Salunkhe	 Petitioner
V/s.	
Dinikar P.Salunkhe and ors	 Respondents

Mr. Kalpesh U. Patil, for the Petitioner.

Mr.Shriram S. Kulkarni, for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 5TH FEBRUARY 2018.

P.C. :

1. Not on board.
2. Upon mentioning, taken on today's board.
3. This praecipe is moved for speaking to the minutes of the judgment and order dated 24th January, 2018.
4. It is submitted that in paragraph No.8, line No.19, it is stated that, "The Tahsildar, however, has rejected the Road Dispute Case No.7 of 2015, filed by the Petitioner, clearly indicating that the petitioner has no prima facie case". However, it is submitted by learned counsel for both the parties, that the Tahsildar has not rejected Road Dispute Case No.7 of 2015, but it is abandoned. Therefore, with consent of both the learned counsels, the portion, "*The Tahsildar, however, has rejected*

Road Dispute Case No.7 of 2015 thereby clearly indicating that the petitioner has no prima facie case”, is deleted from the order.

5. Similar portion to that effect in paragraph No.21 of the judgment that, *“Accordingly, the Tahsildar has after inspection of the site rejected the claim of the Petitioner over the disputed road. The Petitioner has not challenged the said order before the Superior Authority viz Sub Divisional Officer (S.D.O).”* is also deleted, with the consent of learned counsel for both the parties.

6. It is also submitted that in paragraph No.15, at page No.9, line 6 from the top, the words, *“Gat Nos.228, 229 and 230”* need to be deleted and similarly, in the same paragraph, in line No.9, after the figure *“224”*, *“and some owners of Gat Nos.228, 229 and 230”* needs to be incorporated. With the consent of learned counsels for both the parties, *“Gat Nos.228, 229 and 230”* are deleted and after the figure, *“224”*, the portion *“and some owners of Gat Nos. 228, 229 and 230”*, is incorporated.

7. Correction is carried out accordingly.

8. Praecipe is disposed of in above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]