

vks

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

APPEAL FROM ORDER NO.149 OF 2018

Rajendra A Bagga	...	Appellant.
V/s.		
Nocil Limited (National Organic Chemical Industries Ltd)	...	Respondent

Mr.Y ogesh P. Gandhi a/w Mr. Rajesh Nachado and
Ms. Zehra Patel, for the appellant.
Mr. Ryan Sherif, i/by Manilal Kher Ambalal & Co. for
respondent

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th OCTOBER, 2018.

P.C. :

1] Praecipe is moved for speaking to the minutes of order dated 25th September, 2018, to contend that this Court, in its order, recorded following submissions :-

“In this appeal, the learned counsel for the respondent has fairly conceded that if the appellant is ready to deposit in the Court the amount of the suit claim, then learned counsel for respondent has no objection to set aside the exparte decree”.

2] It is urged that the said submissions are not correctly recorded as learned counsel for respondent had merely contended that the appellant's should at least show their bonafides by depositing

the decretal amount. However, later part of the statement with respect, “No objection to set aside exparte decree”, was not made on behalf of respondent and therefore, the said order is required to be modified to that limited extent.

3] However, in considered opinion of this Court, when certain submissions are made before the Court and they are also found recorded in the judicial order, that too when the order is passed in the presence of learned counsel for the parties, in the open Court, such submissions cannot be permitted to be withdrawn subsequently by learned counsel for the party, on the pretext that this Court has inadvertently or incorrectly recorded the said submissions.

4] This praecipe for speaking to the Minutes of order, therefore, cannot be accepted and is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]