

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11759 OF 2019

**BABASAHEB UMAJI MOHITE
VERSUS
LAKHAPATI SHRIRANG GHIGE AND ANOTHER**

...
Advocate for the Petitioner : Shri S. B. Kadu h/f.
Shri S. B. Ghute

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th SEPTEMBER, 2019.

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PER COURT :

1. The petitioner / original defendant No.1 in Regular Civil Suit No. 46/2015 is aggrieved by the order dated 03/06/2019 passed by the Trial Court, by which, application Exhibit 118 filed by the plaintiff seeking correction of a single word in the plaint, has been allowed at the stage of advancing final arguments.

2. The learned Advocate for the petitioner has strenuously criticized the impugned order on the basis of the seven grounds formulated in the memo of the petition. Contention is that the change of the word "Block" while describing the suit

land, by the word ' Survey", would not merely be a substitution of a word which has occurred by way of a typographical mistake. It is contended that such change of word is likely to change the nature of the suit. So also, the suit is about 4 years old and the delay aspect cannot be ignored.

3. I find that the plaintiff desires to replace the word "Block" and mention the word "Survey" in its place, while describing the suit property. I do not find that the nature of the suit or the cause of action is likely to be altered. No loss or harm could be caused to the defendants. However, if the said correction is not permitted, it would leave a permanent defect in the suit.

4. As such, this petition, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-