

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO.884 OF 2019
IN
WRIT PETITION NO.844 OF 2012

Kiritkumar s/o Chimanbhai Patel and ors.

-vs-

Shamrao s/o Saoji Yelne and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri H. R. Gadhia, Advocate for applicants.

Shri A. A. Sambaray, Advocate for respondents.

CORAM : A. S. CHANDURKAR J.

DATE : June 15, 2021

The name of non-applicant No.1 is permitted to be deleted since he has expired. His legal representatives are already on record.

Heard learned counsel for the parties. After perusing record it becomes clear that the order dated 24/06/2019 passed in Writ Petition No.844/2012 is to be corrected in the following manner:

(a) In the second paragraph of the order the words “ the decree for eviction as passed by the trial Court and affirmed by the Appellate Court” shall be substituted by the words “*the decree for eviction as passed by the Appellate Court* ”

(b) On page 6 of the order the 20th line starting with words By virtue ... shall be corrected by deleting the words “where the plaintiffs were doing the flower business”. The corrected line shall read as under :

“ *By virtue of demolition of the four shop blocks the area of the plaintiffs was substantially reduced.* ”

(c) The Appellate Court while allowing the appeal preferred by the original plaintiff directed the original defendant Nos.1 to 4 to deliver possession of half share of the suit house to the plaintiff subject to decision of final decree proceedings in S.C.S. No.57/1977. While maintaining that decree these observations were not made in the order. On page 7 the last paragraph of the order in Writ Petition No.844/2012 shall read as under :

“ The petitioners shall deliver possession of the premises in question to the respondents subject to decision of final decree proceedings in S.C.S. No.57/1977 ”. This paragraph shall be substituted in place of the last paragraph on page 7 of the order.

The corrections be carried out in the original order .

Misc. Civil Application is allowed in aforesaid terms and disposed of.

JUDGE