

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

**64 CIVIL APPLICATION NO.6848 OF 2022
IN WP/2871/2019**

KAMALJEETKAUR GURINDERPASING AHUJA
VERSUS
BASANT SINGH MEHERSINGH BINDRA
THROUGH LRS CHARANJEETBASANTSINGH BINDRA AND OTHERS

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Advocate for Applicant : Mr. Amol K. Gawali
Advocate for Petitioner in W.P : Mr. A.P Bhandari
Advocate for Respondent Nos.2A, 2B & 2C : Mr. R. Mundada
Advocate for Respondent Nos.2(A) to 2(F) : Mr. Sushilkumar H.
Tripathi

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CORAM : SANDEEP V. MARNE, J.
DATE : 12-12-2022

PER COURT :

. This Civil Application is filed for speaking to the minutes of the order dated 17.03.2022 for the following correction.

“2. The sentence “by an order dated 01.04.2014, this Court had recorded the compromise has to be – by an order dated – 01.04.2014 – this Court has read but not recorded the Compromise.”

2. On an earlier occasion, motion was made for speaking to the minutes of the order dated 08.03.2022 whereby two corrections in the order were sought as under:

- “1] The number of Second Appeal 177/2005 had wrongly been typed as 7/2005.
- 2] The sentence “By an order dated 01.04.2014, this

Court had recorded the compromise has to be – By an order dated 01.04.2014 – this Court had read but not recorded the compromise.”

3. By order dated 17.03.2022, the same learned Judge who passed the order dated 08.03.2022 was pleased to partly allow the motion and passed the following order.

“1. This is a motion for speaking to the minutes in an order passed by this Court on 08.03.2022.

2. In paragraph No.4 of the order, the number of Second Appeal has been inadvertently mentioned as 171/2005, it be corrected as 177/2005.

3. After making necessary corrections, the corrected copy of the order be uploaded on the website of this Court.

4. Motion stands disposed of.”

4. Mr. Gawali, the learned counsel for applicant submits that the correction at serial no.2 of the praecipe dated 16.03.2022 has inadvertently not been carried out on account of which applicant is required to file the present Civil Application. He submits that perusal of the order passed by this Court on 01.04.2014 would obviously indicate that the compromise was indeed not recorded by this Court. He therefore prays for correction being effected in terms of the suggestion made at serial no.2 of the praecipe dated 16.03.2022.

5. On the other hand, Mr. Bhandari, the learned counsel opposes maintainability of the Civil Application. He submits that an attempt was made by applicant to once correct the order by seeking speaking to the minutes pointing out two specific alleged errors. He further submits that the learned Judge who has passed the original order dated 08.03.2022, upon hearing the applicant chose to effect correction only at serial no.1 of the praecipe dated 16.03.2022 and consciously declined to carry out the correction at Sr. No.2 thereof. He therefore submits that applicant cannot file a civil application for seeking speaking to the minutes of the order dated 08.03.2022.

6. So far as the first objection of Mr. Bhandari is concerned, he is possibly right in contending that applicant ought not to have filed the civil application for speaking to the minutes of the order dated 08.03.2022 after the learned Judge did not incorporate the alleged error at serial no.2 of the praecipe dated 16.03.2022 by order dated 17.03.2022. However, with a view to prevent multiplicity of applications being filed for the same purpose, I have heard both the learned counsels on merits of the civil application thereby ignoring first objection of Mr. Bhandari.

7. There appears to be a serious dispute between the parties about interpretation of the order dated 01.04.2014 passed by this Court. Therefore it would not be appropriate for me to correct the order dated 08.03.2022 as sought for by applicant. However, at the same time the order dated 01.04.2014 passed by this Court is self speaking and both the parties would be at liberty to interpret it in their own way in the pending proceedings.

8. Accordingly, the present Civil Application is dismissed with a clarification that both the parties shall be entitle to place their own interpretation with regard to recording or otherwise of the compromise by this Court in its order dated 01.04.2014.

(SANDEEP V. MARNE, J.)

GGP