

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3849 OF 2023

Makrand Ashok Amle

...Petitioner.

Versus

Jaydeep Mahadeo Jagtap & Ors.

...Respondents

Mr. Rohit Joshi for the Petitioner.

Coram : Sharmila U. Deshmukh, J.

Date : July 19, 2023.

P. C. :

1. Heard.
2. Learned counsel appearing for the Petitioner points out the factual error in the impugned order dated 16th September, 2020 that the Trial Court while considering the relief which is claimed at prayer clause (e) of the plaint has factually erred in construing the same as seeking perpetual injunction restraining the Defendants from disturbing the possession of the suit land and from creating third party rights therein, whereas the prayer clause (e) at page No. 16 of the Petition shows that the same seeks mandatory injunction not to disburse the amount of land acquisition compensation to the Defendant Nos. 1 to 4.
3. Considering that there is a factual error, it is open for the Petitioner to file a review Application for pointing out the said error apparent on face of

record.

4. Learned counsel appearing for the Petitioner submits that appropriate application will be moved before the Trial Court seeking review of the impugned order.

5. If such an application will be filed, the same be considered on its own merits in accordance with law.

6. It is made clear that this Court is not gone into merits of the case.

7. Writ Petition stands disposed of in above terms.

[Sharmila U. Deshmukh, J.]