Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8055 OF 2024

Parshuram Manohar Randheer .. Petitioner
(Org. Defendant No. 7)

Versus

Kamlabai Parasu Mande & Ors. .. Respondents

.....

- Mr. Govind B. Pawar for Petitioner
- Mr. S.C.Wakankar a/w Ms. Aishwarya Bapat for Respondent No. 1

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 23, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.

2. Perused the praecipe dated 23.08.2024.

3. Heard Mr. Pawar, learned Advocate for Petitioner and Mr. Wakankar, learned Advocate for Respondent No. 1.

4. A praecipe is moved by Mr. Pawar, learned Advocate on behalf of the Petitioner for speaking to the minutes of order dated 12.08.2024. Mr. Pawar has suggested 11 corrections which are *prima facie* seen to be typographical in nature and therefore urged the Court to allow the same to be carried out in the order dated 12.08.2024.

5. I have considered the praecipe and the corrections which are suggested by Mr. Pawar. 10 out of 11 corrections which are agreeable

to the Court are clearly typographical error in nature and therefore the same stands corrected as under:-

Page No.	Para No.	Line No.	Error / Word(s)	To be replaced with
2	4	bottom 7th line	Defendant No. 4	Defendant No. 7
2	4	bottom 6th line	Defendant No. 4	Defendant No. 7
2	4	bottom 5th line	03.08.2015	25.02.2015
2	4	last line	in his possession	in her possession
3	4	top 11th line	dismissed	allowed.
3	4	top 11th line	on the ground of delay and laches	delete the words "*on the ground of delay and laches"*
3	4	bottom 4th line	which dismissed the Application	which allowed the Application
3	4	bottom 3rd line	In view of dismissal of	In view of allowing
3	4	bottom 2nd line	Defendant No. 7 cannot rely	Defendant No. 7 can rely
4	5	bottom 3rd line	purely based on pleadings of Defendant No. 4	purely based on pleadings of Defendant No. 7

6. In so far as the correction with respect to 6th line from bottom in paragraph No. 4 on page No. 3, the sentence which reads "*While doing so, the case of Defendant No. 7 has been considered by the Trial Court but it is opined by the Court that the amendment ought to have been sought by Defendant No. 7 at an appropriate time as Defendant No. 7 had knowledge about the same much earlier and therefore bringing an amendment at such a late stage when the matter is posted for final arguments cannot be allowed*." In this sentence, the

conclusion arrived at by the learned Trial Court that bringing an amendment at a later stage cannot be allowed is rightly mentioned by the Court. Mr. Pawar has suggested that this Court should change the same and it should be read as "*can be allowed"* instead of *"cannot be allowed"*. That suggestion of Mr. Pawar stands rejected.

7. Corrections to the above effect with respect to 10 corrections be carried out in the order dated 12.08.2024 and corrected order be uploaded again. Rest of the order shall remain as it is.

8. Preacipe stands disposed.

[MILIND N. JADHAV, J.]

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RAVINDRA MOHAN AMBERKAR

Digitally signed by RAVINDRA MOHAN AMBERKAR
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