

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION (ST) NO.1055 OF 2024

IN

WRIT PETITION NO.15878 OF 2023

Malojirao V. Nimbalkar

.. Petitioner

Versus

Union of India & Ors.

.. Respondents

Mr. Viraj Patil, Advocate for the Petitioner.

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**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : JANUARY 23, 2024

P. C.

1. Mentioned. Not on board. At the request of the Petitioner taken on board.

2. The above Praecipe has been moved for speaking to the minutes of the order dated 20th December, 2023.

3. The learned counsel appearing on behalf of the Petitioner submitted that despite what is recorded in paragraph 2, it was never the case of the Petitioner that he would agitate his claim with reference to the monies mentioned in the said paragraph in the Partition Suit which is already pending before the Civil Judge, Senior Division, Barshi. He submitted that it was the case of the Petitioner that the dispute with reference to these monies be referred to the Civil Court under Section 3H(4) of the National Highways Act, 1956.

4. We are afraid that this is an attempt to now re-introduce an argument which was never made before this Court. This Court in the said paragraph has correctly recorded that nothing would survive in the above Writ Petition and the Petitioner would agitate his claim with reference to the monies mentioned in paragraph 2, in the Partition Suit which is already pending before the Civil Court, Senior Division, Barshi.

5. It is important to note that the aforesaid order was dictated in open court in front of the counsel as well as the parties. This is nothing but an attempt to try and modify the order after it is already passed on some specious ground that this statement was never made by the Petitioner.

6. In these circumstances, the Application for speaking to the minutes, by way of a praecipe, is hereby rejected.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P.COLABAWALLA, J.]