



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9479 OF 2024
IN
CIVIL WRIT PETITION NO. 5127 OF 2022

Ranjan Bhauso Dombé

...Applicant

vs.

Mahesh Devidas Sathe and Ors.

...Respondents

Mr. Macchindra A. Patil	Advocate for the Applicant
Mr. G. N. Salunke i/by Mr. Umesh Kurund	Advocate for the Respondent No. 1

CORAM : S. M. MODAK, J.

DATE : 23rd OCTOBER 2024

P. C. :-

1. Not on board. The interim application is taken on board by way of Praecipe.
2. Heard learned Advocate Shri Patil for the Applicant/Petitioner and learned Advocate Shri Salunke for the Respondent No. 1.
3. It is true that this Court (Coram: Shri Nitin W. Sambre, J.) on 29/04/2022 has disposed of the writ petition thereby opining that considering the findings recorded by two Courts below, the Court

should be slow in exercising jurisdiction under Article 227 of the Constitution of India. In para no. 11, the Court has taken note of the tampering/forging of the revenue entries by the Petitioner. Further Court observed “*Rather it is in the interest of both the parties that alienation of suit property is permitted till disposal of the suit*”, on page no. 19, para no. 11.

4. The contention of the Petitioner is in fact the Court was intending not to permit alienation of the suit property by both the parties, but inadvertently the word ‘not’ is not mentioned therein. The Petitioner moved this Court on 03.05.2024 (Coram : Shri Milind N. Jadhav, J.) this Court opined the submission is made about review of the Order, this Court directed the Registry to consider the grievance and to decide when the concerned judge is not sitting at the Principal Bench, what should be further course of the action. On this background this present interim application is filed.

5. There are various grievances. I am only considering the grievance about not adding word ‘not’ in para no. 11.

6. Hence in para no. 1, last line, word ‘not’ be added earlier to the word ‘permitted’.

7. With this, Interim application is disposed of. Rest of the contentions are not pressed.

8. Let this modification will take its effect from 29/04/2022. In case either of the Parties comes with the grievance about alienation of the property in spite of the today's modification, such Party may contend that his action is justified on the basis of the Order which was passed originally.

[S. M. MODAK, J.]