



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.2804 of 2023
MEHDI ABDUL JAFAR DHAMMANI
VS

AMIN @ ASHIF ABDUL SULTAN DHAMMANI AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.A. Choube, Advocate for the Petitioner/s
Shri D.G. Paunekar, Advocate for the Respondent Nos.1 to 5
Ms M.A. Barabde, AGP for the respondent Nos.6 and 7

CORAM : ANIL S. KILOR, J.
DATE : 10.04.2024

1. Heard.
2. The petitioner moved an application under Section 152 of the Code of Civil Procedure for correction of the judgment and decree and thereby, prayed to correct the mistake in not mentioning an area of Prabhat Rice Mill and Godown i.e. 1.4855 Acre. The said application came to be rejected vide impugned order dated 17.01.2023. The same is under challenge in this writ petition.
3. The learned trial Court, after perusing the decree and also the finding recorded to issue No.2, has held that the act of declaration of the share of the petitioner/plaintiff with specific reference of unregistered gift deed and not as per the specification given by the petitioner, is not an accidental slip or clerical or arithmetical mistake. The trial Court has further observed that, the specification given by the petitioner is missing in the unregistered gift deed and not matching with the

specification given in the plaint and therefore, the trial Court has observed that the corrections sought by the plaintiff would result into substantial change in the judgment and decree and not correction of only clerical or arithmetical mistake.

4. In that view of the matter, I do not find any error committed by the learned trial Court in rejecting the application preferred by the petitioner. Hence, the writ petition is **dismissed**.

[ANIL S. KILOR, J.]