



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

WRIT PETITION NO.5949/2023

Deepak Navinchandra Kothari and Ors. Vs. Raju Alias Pradip Bhimrao Ronghe

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. A. Potnis, Advocate for petitioners.
Mr. C. A. Babrekar, Advocate for respondent.

CORAM : ANIL L. PANSARE, J.

DATE : 08.07.2024

Heard.

The petitioner-plaintiff has filed an application under Sections 152 read with Sections 151 and 153 of the Civil Procedure Code, 1908, seeking correction in plot number described in judgment and decree. According to the petitioners, plot No. 19 mentioned in the judgment and decree should be corrected as plot No. 194. The Trial Court has rejected the application on the ground that no such correction is sought in the plaint by way of amendment and, therefore, the judgment and decree cannot be corrected as prayed for.

To my mind, the Trial Court has rightly held that unless the plaint is amended, the judgment and decree cannot be corrected.

With the assistance of counsel appearing for the parties, I have gone through the plaint. The plaint proceeds to describe the suit property as plot No.19. If that be so, until the plot number is corrected in the plaint, the correction in the judgment and decree will not be permissible.

At the same time, it appears that the parties to the suit have presumed the suit plot number to be 194. In fact, in the evidence, they have described the plot as plot No.194.

In view thereof, the purpose will be served if the petitioners are given liberty to approach the Trial Court to first seek amendment in the plaint followed by correction in the judgment and decree.

With the above liberty, the present petition is disposed of.

(Anil L. Pansare, J.)

Kahale