



9.caw.2068.2024 in wp.5561.2023.odt

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

CIVIL APPLICATION (CAW) NO. 2068 OF 2024
IN
WRIT PETITION NO. 5561 OF 2023
(Jitendra Madhusudan Vyas V/s Manoj Bhavarlal Chhangani & Anr.)

Office Notes, Office Memoranda of Coram,
Appearances, court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. A. V. Bhide, Advocate for Petitioner.
Mr. S. A. Mohta, Advocate for Respondent Nos.1 & 2.

CORAM : ANIL L. PANSARE, J.
DATE : AUGUST 28, 2024.

. Heard. Perused the Application.

2. It appears that for lack of communication certain facts have been incorrectly recorded in the Judgment dated 31/7/2024 passed by this Court. It has been recorded in paragraph No.4 of the Judgment as under :

“4. The respondents claim themselves to be tenant of petitioner who does not even own the property under question. The owner of the property is defendant's mother. Despite such fact, which is within the knowledge of the respondents, the suit has been filed, not against the owner but against the third party i.e. the son of the owner.”

3. I am informed that the Petitioner's (Defendant's) mother had expired prior to filing suit, and accordingly, the suit was filed against the Petitioner as owner of the property.

4. Thus, the suit was not filed against third party, but was filed against owner of the property, who inherited the property after death of his mother.

5. In view thereof, paragraph No.4 be corrected as under :

“The Respondents claim themselves to be tenant of the Petitioner, who became owner of the suit property after the death of his mother.”

6. Similarly, in paragraph No.10, the first statement, viz- *“Thus, what transpires is that the tenants have filed a suit against the third party”* be replaced as *“Thus, what transpires is that the tenants have filed a suit against the Petitioner.”*

7. Further, last line in paragraph No.10, viz – *“No relief has been sought against the owner i.e. the mother of the defendant”* be deleted.

8. Further, the observations made in paragraph No.11 should be ignored, since the suit has been filed against the Petitioner/Landlord and is maintainable. Paragraph No.11 be deleted and subsequent paras be renumbered

9. Necessary corrections be carried out and corrected Judgment be uploaded forthwith.

10. Civil Application is disposed of accordingly.

(ANIL L. PANSARE, J.)