

3rd July,
2025
(AK)
01

F.M.A.T 42 of 2025

Pradip Kumar Ganeriwala
Vs.
Rohan Ganeriwala and others

Mr. Rajeev Kumar Jain
Mr. Kunal Shaw
Ms. Yamini Mahawar

...for the appellant.

Mr. Abir Lal Ghosh
Mr. Shameek Ray
Mr. Aneequa Ahmed

...for the respondent no.1.

Mr. Balaji Chakraborty

...for the respondent no.5.

Mr. Rachit Lakhmani

...for the respondent no.18.

1. Learned counsel for the respondent no.1 submits that certain errors crept in the judgment dated May 1, 2025 passed in FMAT 42 of 2025 with CAN 1 of 2025.
2. Learned counsel appearing for the appellant submits that in principle, he does not have any objection to the other corrections than the corrections intended to paragraph nos.46 and 56 of the said judgment.
3. Upon a perusal of the corrections in paragraph nos.46 and 56 which are sought by the respondent no.1 now, we find that there might be some

substance in the contention of the appellant that those relate to the merits of the case.

4. Even if there was an error in the order to that effect, the same cannot be corrected on mere verbal mentioning.
5. Inasmuch as the submission recorded in the said paragraphs to have been made by defendant nos.1 to 5, which now is sought to be argued to have been made by defendant no.2 only, since the judgment was passed some time back, we do not exactly recollect what transpired in court and as such, we do not intend to carry out such corrections, since it apparently reflects the happenings which took place in court on the said date.
6. It may be recorded here that learned counsel for the respondent no.18 also seeks a similar correction as respondent no.1 in paragraph no.46, which has been dealt with above.
7. However, regarding the other corrections sought, we find that those are innocuous in nature and may be effected.
8. Accordingly, the following corrections may be deemed to stand incorporated in the judgment dated May 1, 2025:
 - i) In paragraph no.3 of the judgment, the name of "Bishwanath" was erroneously printed as "Biwanath".

- ii) In paragraph no.8, in the second line, the year “2023” was erroneously printed as “2003”. In the fifth line of the said paragraph, instead of “petitioners”, it should be read as “respondent no.1”.
 - iii) In paragraph no.9 of the judgment, within parenthesis, the year of Title Suit no. 423 should be read as “2023” instead of “2003”.
 - iv) In paragraph no.19, in the first line, instead of “primary defendant”, it should be read as “plaintiff”. In the third line from the bottom of the self-same paragraph, the word “plaintiffs” in plural should be replaced by the singular “plaintiff”.
 - v) In paragraph no.58, in the last line, the expression “plaintiff/appellant” shall be read as “plaintiff/respondent no.1”.
 - vi) In the first line of paragraph no.62, the word “appellant” shall be read as “respondent no.1”.
 - vii) In paragraph no.69, the expression “Senior Judge” should be read as “Civil Judge”.
9. Let the above corrections be deemed to stand incorporated in the judgment dated May 1, 2025.
10. Nothing in this order shall preclude the parties from taking out an appropriate application for review in the event the parties are of the opinion

that certain other errors apparent on the face of the record remain in the order.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)