

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 7365 OF 2022

Manmathappa Bhadrappa Chille And Others

VERSUS

Shivaji Manmathappa Chille And Another

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Advocate for the Petitioners : Mr. Gunale V.D.

Advocate for Respondent No.2 : Mr. Vishnu Kande h/f Mr. Reddy  
Ajinkya

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 04, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. By way of present petition, the petitioner challenges the order dated 13.03.2019 passed below Exhibit-8 by the learned Civil Judge, Senior Division, Udgir in Special Civil Suit No.28 of 2017.
3. Mr. Gunale, learned counsel for the petitioners submits that learned Appellate Court has no power to correct the order, once the application was already disposed of by observing that permission was granted to withdraw the suit unconditionally. But subsequently after three months, the Presiding Officer sou-moto corrected the order.
4. I have gone through the application which is at page no.28 and particularly the prayer clause therein. When there was specific prayer already made by the plaintiff to allow him to withdraw

the suit with liberty to file fresh suit on same causes and though there had been some mistake while recording the order, the Presiding Officer can very well correct the same by invoking powers under Section 151 of the Civil Procedure Code.

5. Therefore, I do not find any reason to interfere with the order dated 13.03.2019 passed below Exhibit-8 by the learned Civil Judge, Senior Division, Udgir in Special Civil Suit No.28 of 2017.

6. In view thereof, writ petition stands dismissed. No order as to cost.

**(SIDDHESHWAR S. THOMBRE, J.)**