



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10387 OF 2025
IN
WRIT PETITION NO.5072 OF 2024

NIKITA AMIT AGRAWAL
VERSUS
AMIT RAMESHKUMAR AGRAWAL

...
Ms.Nikita Amit Agrawal, Applicant Party In Person.
Shri Y.R. Jain, Advocate for the Respondent.
...

CORAM : SHAILESH P. BRAHME
&
SUSHIL M. GHODESWAR, JJ.

DATE : 09 December 2025

P. C. :-

1. Heard both the sides.
2. The party-in-person tenders her apology for not carrying out amendment for which leave was granted on earlier occasion. She is permitted to carryout amendment forthwith.
3. The learned advocate for the respondent tenders on record the affidavit in reply opposing the application for review.
4. The limited grievance of the applicant is that in the

judgment under review, Civil Application No.964/2025 has not been dealt with, which is mistake apparent on the face of the record.

5. The learned advocate for the respondent submits that Civil Application No.964/2025 is not maintainable and it is filed *mala fide*. When the applicant was unsuccessful before the Courts below, she has resorted to the application under Section 340 r/w Section 195(i) of the Code of Criminal Procedure. The learned advocate for the respondent has also referred to various objections raised in the affidavit in reply and has submitted that the present application is liable to be dismissed.

6. By our common judgment and order dated 24.01.2025, Writ Petition No.5072/2024 and Civil Application No.964/2025 are dealt with. We passed the speaking order while deciding those matters. Entire text of the judgment under review is devoted for the submissions and merits of Writ Petition No.5072/2024. Ultimately, it is concluded in paragraph No.13 as follows:-

“13. Hence, we dispose of the petition as not maintainable before this Division Bench to the extent of prayer clauses “B” to “D” with a

liberty to her to approach the Single Bench for prayer clauses “B” to “D-1”. No order as to costs.”

7. Entire text of the judgment under review does not reflect any consideration for Civil Application No.964/2025. Neither it is rejected, nor allowed, but by one line order, it is disposed of, which is as under:-

“14. Civil Application stands disposed of accordingly.”

8. On the face of record, the order under review is non speaking to the extent of Civil Application No.964/2025 and to this extent, rectification is needed. Since the case falls within purview of Order XLVII Rule 1 of the Civil Procedure Code, we, therefore, pass the following order:-

ORDER

(a) The Review Application is allowed partly and instead of paragraph No.14 of the judgment under review dated 24.01.2025, following paragraph shall be substituted:-

“14. In view of the discussion as referred to in foregoing

paragraphs, we propose to list Civil Application No.964/2025 for consideration afresh before the appropriate Bench, which is having jurisdiction. The Office is directed to place Civil Application No.964/2025 before the appropriate Bench. It would be open for the parties to address the issues involved in the Civil Application on merits.”

(SUSHIL M. GHODESWAR, J.) (SHAILESH P. BRAHME, J.)

(Kalyan Sangvikar, PS)