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32-WP-901-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 WRIT PETITION NO. 901 OF 2025

Dilip Daulat Choudhary

VERSUS

Dnyaneshwar Daulat Choudhary And Others

...

Mr. M. G. Kochar h/f Bharatkumar Ramdeo Warma, Advocate for the
Petitioner.

CORAM : KISHORE C. SANT, J.

DATE : 6th FEBRUARY 2025

PC :-

1. Heard the learned Advocate for the petitioner.
2. The petitioner had filed an application under Order VI Rule 17 and Section 151 of the Code of Civil Procedure, 1908. By way of application, he sought to correct the typographical errors in the recording of evidence-affidavit of respondent wherein Gut Number is wrongly typed as 168/9 instead of 168/1 in evidence Exh.-193.
3. The learned trial Judge by impugned order observed that the application under Order VI Rule 17 of CPC can be filed only for amendment of the pleadings. In the present case, the applicant seeks to

correct typographical errors in the evidence-affidavit of the defendant. It is held that such application is not maintainable and prays for rejection of the application.

4. This Court finds that, no purpose would be served by issuing notice to the respondents. In fact, the application could have been treated only under Section 151 of CPC and proper order could have been passed.

5. It is suffice to grant liberty to the petitioner to file proper application in the trial Court. If such application is filed, the trial Court to decide it within two weeks thereafter.

6. The Court need to keep in mind that even otherwise the court possesses the power to pass necessary orders in the interest of justice.

[KISHORE C. SANT, J.]