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905-CA-13335-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO. 13335 OF 2024
IN SA/669/2016

Meerabai Maruti Chede L.rs. Sangita And Ors
VERSUS
Smt. Kusum Baban Raskar And Ors

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Mrs. M. A. Mulkarni, Advocate for Applicants.

Mr. V. J. Dixit, Senior Advocate i/by Mr. S. S. Dixit, Advocate for
Respondent Nos. 1 to 6 and Appellant in SA. (through VC).

CORAM : KISHORE C. SANT, J.

DATE : 27th JUNE 2025

PC :-

1. Heard the parties.
2. This application is moved for speaking to minutes of order dated 16th October 2024.
3. The learned Advocate for the applicants points out from Paragraph No.24 of the Judgment that this Court has come to the conclusion that each of the parties is entitled to receive 1/6 share out of share of deceased Laxmibai, i.e. the mother of plaintiff and defendant Nos. 1 to

5. In view of that, clause 3(a) of the judgment and decree is modified. That in clause 3(a) instead of figure of 1/6 share, the figure typed is 1/12 share. She thus submits that this is clearly accidental error and it needs to be corrected.

4. Learned Senior Advocate Mr. V. J. Dixit vehemently opposed the application. He submits that no such correction can be done by invoking powers under Section 152 of the Code of Civil Procedure. The mistake is not accidental or typographical mistake. This Court has specifically granted 1/12 share in the property. If at all the applicant is aggrieved, the applicant has to file a review application. Making the correction as prayed for would affect the rights of the parties over the property.

5. In support of his submissions, the learned Senior Advocate Mr. Dixit has relied upon two judgments (1) ***Dwaraka Das Vs. State of M.P and Anr.***¹ (2) ***State of Punjab Vs. Darshan Singh***².

6. After having heard the parties and going through the judgments, the question is whether the mistake in the present case is to be

1 (1999) 3 SCC 500

2 (2004) 1 SCC 328

considered as accidental error or mistake or typographical error, or it is a deliberate and intentional calculation done by the Court. Looking to the judgments in the case of Dwaraka Das (supra) and State of Punjab (supra), no doubt if the error is only an accidental or typographical error that can be corrected by invoking powers under Section 151 and 152 of CPC. In the other cases, the parties are required to file review application.

7. In the present case, this Court finds that in paragraph No.24, this Court had discussed the entitlement of the parties. In specific terms, it is observed that each of the party is entitled to receive $\frac{1}{6}$ share in the property of deceased Laxmibai. While modifying clause 3(a), however, figure is typed as $\frac{1}{12}$, this Court finds that it is purely an accidental error or arithmetical error looking to the conclusion drawn in paragraph No.25 of the judgment.

8. Considering above, this Court is convinced that the correction needs to be made in paragraph No.26 in clause 3(a) be read as $\frac{1}{6}$ instead of $\frac{1}{12}$.

9. The judgment is thus corrected and corrected copy be uploaded in the official website of this Court.

10. Application stands disposed off.

[KISHORE C. SANT, J.]