

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.379 OF 2024

Mr. Ibrahim Ismail Golandaz & Ors. ...Applicants

Versus

Mr. Dadapir Abdul Kadar Mahabari ...Respondent

BHALCHANDRA
GOPAL
DUSANE

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WITH

CIVIL REVISION APPLICATION NO.12 OF 2025

Mr. Ibrahim Ismail Golandaz & Ors. ...Applicants

Versus

Mr. Yogesh Pramod Jog ...Respondent

Mr. Mulla Abdulkarim Naziruddin, Advocate for Applicant
Mr. Padmanabh D. Pise a/w Sejal A. Hariyan, Advocate i/by P.
Padmanabh & Associates for Respondent in CRA 379 of 2024
Mr. Wasim Simlewale, Advocate for Respondent in CRA 12 of 2025

CORAM: MADHAV J. JAMDAR, J.

DATED : 4th February 2025

P.C.:

1. In these Revision Applications, challenge is to the Order dated 10th May 2024 passed by the learned Joint Civil Judge, Junior Division, Miraj in Miscellaneous Application No.7 of 2017 (CRA No. 12 of 2025) and in Miscellaneous Application No.8 of 2017 (CRA No.379 of 2024).

2. In the Miscellaneous Application No.7 of 2017, relief sought is that in Column No.1 in the decree instead of Shop No.7, Shop

No. 6 be mentioned. In the Miscellaneous Application No.8 of 2017, prayer sought is that in Column No.1 in the decree, instead of Shop No.6, the same be mentioned as Shop No.7.

3. In the impugned Order, the learned Trial Court has observed that there is no mistake in the decree, the mistake is in the Consent Terms and therefore it is not necessary to correct the decree. However, the said observation is not correct as the decree passed is on the basis of the Consent Terms. Therefore the Court has got power under Section 151 of Code of Civil Procedure to correct the said mistake if it is found that the mistake is in the Consent Terms.

4. However, in the facts and circumstances of this case, apart from the fact that in the Consent Terms, Shop No. '6' is mentioned in Regular Civil Suit No. 331 of 2015 which is subject matter of CRA No. 379 of 2024 and Shop number 7 is mentioned in the Consent Terms filed in Regular Civil Suit No.595 of 2012, which is subject matter of CRA No.12 of 2025, it is the contention of learned Counsel for the Respondents that in furtherance of the said consent decree, permanent lease agreements are executed and registered, which are in consonance with the shop numbers

mentioned in the Consent Terms. Thus the Consent Terms are accordingly acted upon.

5. Accordingly, no interference in the impugned Order is warranted under the revisionary jurisdiction of this Court. Both the Civil Revision Applications are dismissed, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)