

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO.87 OF 2025
IN
WRIT PETITION NO.9786 OF 2023**

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Dyandeo Babu Kharat

... Petitioner

V/s.

Shankar Nana Kharat

Since Deceased Through Legal Heirs

Dattu Shankar Kharat & Ors.

... Respondents

Mr. Sushan S. Prabhune for the petitioner.

Mr. Bhalchandra S. Shinde for the respondents.

Ms. Tanu N. Bhatia, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : MAY 8, 2025

P.C.:

1. The petitioner has filed the present review petition on the limited ground that in the order dated 22 April 2025 passed in Writ Petition No.9786 of 2023, a certain observation has been made which, according to him, is factually incorrect. He submits that although the order passed by the competent authority in the year 1979 has been held to have attained finality, the observation made by this Court in the last line of paragraph No.4 of the said order is contrary to the factual position. He relies upon a finding or observation made by the Commissioner, which, according to him, supports his contention.

2. Upon consideration of the submissions and the record, this Court is of the opinion that the order passed in the year 1979 has indeed attained finality. That position of law and fact remains undisturbed. However, a closer perusal of the record reveals that the statement in the last sentence of paragraph No.4 of the order dated 22 April 2025—namely, that no appeal was filed against the 1979 order—is factually inaccurate. It is well settled that an error of such nature, which is purely clerical or factual and not affecting the reasoning or outcome of the judgment, can be rectified by invoking the jurisdiction of this Court to “speak to the minutes.” The power to correct such an inadvertent error is inherent and incidental to the functioning of the Court.

3. In view of the above, the review petition does not require to be entertained on merits, as the error sought to be pointed out by the petitioner does not go to the root of the matter or affect the finality of the order dated 22 April 2025. Accordingly, the review petition stands dismissed.

4. However, on the joint motion made by the learned counsel for the parties and in exercise of the Court’s inherent powers to correct clerical mistakes, the last line of paragraph No.4 of the order dated 22 April 2025 in Writ Petition No.9786 of 2023, which reads “and has not been challenged by any party in any forum”, is directed to be deleted.

5. The office is directed to amend the order dated 22 April 2025 in Writ Petition No.9786 of 2023 in terms of the above direction and upload the corrected version as “Order No.2” in Writ

Petition No.9786 of 2023.

6. All pending interlocutory applications, if any, stand disposed of accordingly.

(AMIT BORKAR, J.)