



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6046 OF 2026**

Chhagan Kisan Khamgal and Ors. ... Petitioners
versus
Sitaram Sadashiv Chormale and Ors. ... Respondents

Mr. Sushant Prabhune (through VC) for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 5 MAY 2026

ORAL ORDER :

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 30 March 2026 passed by the learned Civil Judge, Pune, whereby the learned Civil Judge was persuaded to allow the application under Section 152 of the Code of Civil Procedure, 1908, and thereby direct that the inadvertent omission in the decree passed in RCS No.274 of 2006 in not specifying the share of the Defendants – co-sharers, in the suit property, be corrected and the decree be accordingly modified.
3. The learned Civil Judge has recorded that, in paragraph No.25 of the judgment, the trial Court had determined the shares of all the co-sharers. However, while passing the operative order and decree, the shares of the Defendants – co-sharers were not satisfied. Thus, on account of the said omission, an inadvertent error crept in, in decree passed in RCS No.276 of

2006.

4. Mr. Prabhune, learned Counsel for the Petitioners, submitted that, by the impugned order, the learned Civil Judge has allowed the application in its entirety and the papers and proceedings in RCS No.276 of 2006 have been called for carrying out the necessary amendment. It was submitted that, the said course would alter the decree passed by the trial Court materially as in the decree passed on 14 August 2018, a declaration that the sale deed executed by Defendant No.2 in favour of Defendant Nos.6 to 11 on 26 May 2004 was not binding on the Plaintiff, was made qua the Plaintiff only and not the other co-sharer – Defendants, whose shares were declared in para 25 of the judgment in RCS No.274 of 2006.

5. I do not find any substance in the submissions on behalf of the Petitioners. Section 152 of the Code empowers the Court to correct its own error in a judgment, decree or order from any accidental slip or omission. The maxim, “*actus curiae neminem gravabit*” meaning “nobody shall be prejudiced by an act of Court”, manifests the principle that underlines the power under Section 152 of the Code. The Court has, in a sense, an inherent power to correct a clerical mistake or error arising from an accidental slip or omission and give true effect to the intent of its order. **(Niyamat Ali Molla V/s. Sonargon Housing Co-op. Soc. Ltd. and Ors.¹).**

1 AIR 2008 SC 225

6. Reverting to the facts of the case, the observations in paragraph No.25 of the judgment in RCS No.274 of 2006 clearly record the shares to which the Plaintiffs and other co-sharers are entitled to. Moreover, in para No.29 of the judgment, the trial Court had recorded that the prayer of the Defendants to allot the property bearing Gat No.29 admeasuring 1H 17R to the share of Defendant No.2, who had sold the same under the registered Sale Deed dated 26 May 2004 in favour of Defendant Nos.6 to 11, cannot be sustained.

7. In view of the aforesaid reasoning, all the co-sharers – Defendants, except Defendant No.2 are entitled to the dispensation that was given to the Plaintiffs. Therefore, this Court does not find any justifiable reason to entertain the Petition.

8. The Writ Petition stands dismissed.

(N.J.JAMADAR, J.)