



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 61 OF 2026**

Shankarrao Amrutrao Kale, Aged 72 years, Occ:  
Agriculturist, R/o Dapori, Tq. Morshi, Dist. Amravati.

**PETITIONER**

**VERSUS**

Raghunath Jagoji Shirpurkar, Aged 70 years, Occ:  
Agriculturist, R/o Dapori, Tq. Morshi, Dist. Amravati.

**RESPONDENT**

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Shri A.M. Chandekar, counsel for the petitioner.  
Shri S.B. Gandhe, counsel for the respondent.

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**CORAM : PRAFULLA S. KHUBALKAR, J.**

**DATE : JANUARY 14, 2026**

**ORAL JUDGMENT**

**RULE.** Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner has challenged the order dated 12.06.2025 passed by the trial Court allowing the application for amendment to the judgment and decree for correcting the survey number of the suit property.

3. The petitioner is the original defendant in Special Civil Suit No.262 of 1998 which was decided by the judgment and decree dated 25.01.2002. The suit was with respect to the suit property bearing Survey no.36/3-36/1 situated at village Bopulwadi, Tahsil Morshi, District Amravati. However, in the judgment and decree, the suit property is mentioned as 36/1 instead of 36/3 and therefore in order to get the property number mentioned in the judgment and decree corrected, the decree holder filed proceedings bearing NRMJC no.62 of 2024 seeking

correction of the judgment and decree. Although this application was resisted by the judgment debtor, by order dated 12.06.2025 the trial Court has allowed the same.

4. The learned counsel for the petitioner by assailing the impugned order submitted that the correction sought for by the respondent after the decree, is contrary to the pleadings in the Special Civil Suit and beyond the scope of the provisions of Section 152 of the Code of Civil Procedure, 1908 (for short, 'the Code'). He also submitted that the decree holder failed to get the decree corrected immediately and the proceedings for correction of the decree are belatedly filed.

5. It has to be noted that the decree passed in Special Civil Suit no.262 of 1998 is maintained even in the Second Appeal decided by this Court and in the judgment passed by this Court in the second appeal, the suit property is described as 36/3-36/1. Further, it is categorically observed in the impugned order that the suit property is described in the plaint in Special Civil Suit no.262 of 1998 as survey no.36/3 which was subsequently clarified by stating as survey no.36/1. Pertinently, while describing the suit property, the original survey number as 36/3, was not deleted. As such, there existed no discrepancy about the identity of the suit property and the parties were *ad idem* about the same.

6. While considering the controversy involved, the trial Court has recorded pertinent observations in paragraph 7 of the impugned order and after considering the description of the property at various places, has

concluded that there appeared a clerical mistake in the judgment passed in Special Civil Suit no.262 of 1998 which required to be corrected.

7. As regards the position of law with respect to correction of the description of the suit property, reference can be made to the judgment of the Hon'ble Supreme Court in *Puran Ram Versus Bhaguram & Another* [(2008) 4 SCC 102] and the judgment of this Court in *Prembala Manmohan Chawla Versus Brijgopal Ramballabh Modani* [Writ Petition No.5804 of 2025], dated 18.12.2025. In view of the position of law considered in these judgments, I find that in order to enable the parties to execute the decree, the correction of the survey number was necessitated, particularly in view of the fact that there was no dispute about the identity of the properties. A perusal of the impugned order shows that the trial Court has given due consideration to the relevant factual aspects and after considering the provisions of Section 152 of the Code has rightly directed the correction of the judgment and decree in Special Civil Suit no.262 of 1998. The reasoning of the trial Court is sound and no perversity is seen.

8. Having regard to the factual and legal aspects, no indulgence is warranted with the impugned order. The writ petition is accordingly dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)