

ORDER BELOW EXH. 01(Passed on 25th June 2018)

01. Applicant is seeking to permit him to correct typographical mistake happened in compromise pursis below Exh. 9 filed in RCS No. 206/2017 and also to correct the same mistake repeated in decree passed in the said suit on dated 08.11.2017.

02. As per applicant, he has filed suit RCS No. 206/2017 against respondents no. 1 to 13 in which they arrived at compromise and on dated 08.11.2017 submitted compromise pursis below Exh. 11, but while typing inadvertently there is mentioned in claim para no. 2(A) “प्रतिवादी नं. ३ अभिजितचे क्षेत्र ०१ हे. ३३ आर व पोटखराब ०० हे. ०४ आर असे एकुण क्षेत्र ०१ हे. ३७ आर. च्या ऐवजी प्रतिवादी नं. ३ अभिजितचे क्षेत्र ०१ हे. ३७ आर” असे लिहीले गेलेले आहे. As per him without correcting such typographical mistake in compromise pursis as well as decree he can not get fruits of compromise, so requested to call file RCS No. 206/2017 and permit him to correct typographical mistake in compromise pursis as well as to correct the same mistake repeated in decree. All respondents appeared and filed their say below Exh. 0. All respondents informed that they have no objection to allow application.

03. Ld. Counsel of applicant shri. H. N. Waghmode submitted that whatever mistake happened in compromise pursis which is repeated in decree is only technical and Court can correct the same as per section 152 of Civil Procedure Code (hereinafter referred as 'CPC' for brevity). He also submitted that there is no change in material part of compromise pursis, so requested to allow application as prayed. No any argument on behalf of respondents.

04. Considering submission of shri. Waghmode and bearing in mind provision of section 152 of CPC there remains no doubt that clerical or arithmetical mistakes in judgments, decrees or orders and errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties, thereby, as the mistake which is brought to the knowledge of this Court is certainly typographical mistake may be happened inadvertently, thereby, the same can be corrected as submitted by shri. Waghmode. In this regard Court has power not only to correct its own mistake which arise in the judgment, decree and order, but it can also correct those mistake which may have been initially committed by the parties in the pleadings which was then repeated in the judgment, decree and order of the Court. As seen from record, pleading of application

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parties, they have committed mistake in their compromise pursis and the same is repeated in decree by Court on the basis of said compromise pursis, thereby, mistake is required to be corrected for giving fruits of decree of the parties, hence while allowing application following order has been passed.

ORDER

1. Application is allowed in the terms of prayer clause;
2. Called on record of RCS No. 206/2017 for correction as per prayer of applicant;
3. Accordingly informed.

Date: 25.06.2018

(SANGRAM S. JADHAV)
Jt. Civil Judge, Junior Division,
Karmala, Dist. Solapur.

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CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/Order.

- (a) Name of the Stenographer : Kokate S.V.
- (b) Court : Shri. S. S. Jadhav, Jt. Civil Judge, J.D. & JMFC, Karmala.
- (c) Judgment/Order signed by P.O. on : 25/06/2018.
- (d) Judgment/Order uploaded on : 25/06/2018.