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| CNR No. MHTH280016392024                                                          | Pragati Kirit Maniar Vs. Nil   |
|  | <u>Civil M.A. No. 827/2024</u> |

**Order below Exh. 1**

The application is under Section 152 of the Code of Civil Procedure for correction of typographical mistake occurred while delivering the Order and Judgment in Civil M.A. No.827/2024 at Exh. 17 dt. 02/05/2024.

2] Perused applicaiton, also perused record. It has been contended that the application being M.A. No. 263/2024 was disposed of vide order and Judgment dated 02/05/2024 thereby allowing the application to issue HEIRSHIP Certificate in the name of the applicant. Due to oversight and inadvertence, the Judgment dated 02/05/2024, does not includes the second immovable property. The Judgment does not mention anything about the Second immovable property owned and occupied by the deceased i.e. *“50% undivided share, right, title and interest in the residential premises being Flat No. 503 on 05<sup>th</sup> Floor, in ‘C’ Wing of the building known as ‘Ashapura Dham’, belonging to Ashapura Co-operative Housing Society, situated at plot No. 3, Sector 16, Palm Beach Road, Sanpada, Navi Mumbai 400705, Taluka and District Thane withinthe Registration District and Sub-district of Thane and all those five (5) shares of Rs. 50 each, bearing distinctive nos. 181*

*to 185 in Share Certificate issued by Ashapura Co-operative Housing Society.”*

Therefore, the same is required to be added and incorporated in the Judgment dated 02/05/2024. The rectified copy of the Judgment and order is required by the applicant expeditiously for transferring the property in her name.

3] Section 152 of the Code of Civil Procedure provides that clerical or arithmetical mistakes in judgments, decrees or orders arising from any accidental slip or omission may at any time be corrected by the Court either of its own motion (suo motu) or on the application of any of the parties. The section is based on two important principals (i) an act of Court should not prejudice any party and (ii) it is the duty of the Courts to see that their records are true and they represent the correct state of affairs.

4] Here in case at hand due to oversight and inadvertence, the Judgment dated 02/05/2024, does not include the second immovable property. The mistake seems to be occurred due to oversight while drafting of judgment. The mistake needs to be corrected as per Section 152 of C.P.C. Hence, amendment/correction be carried out in original judgment and order Exh. 17. As per amendment upload correct copy at CIS. Parties note the order.

Sd/-

Date : 04-01-2025

**(K.N. Phatangare)**  
**Civil Judge Senior Division**  
**Belapur**