

Order below Exhibit No. 23
CNR.No.MHAH23-001289-2014

The present application has been filed by the Ld. Advocate for the plaintiff for correction of order dated 21.03.2024. It is submitted that, the present application was filed for restraining the defendant from obstructing the peaceful possession of the plaintiff over the suit property. However, the present application allowed but in the operative part of the order due to typographical error orders were passed restraining the defendants from creating third party interest in the suit property. The aforesaid fact is also reflected point for determination framed by the court. Therefore, there is discrepancy between the prayer, point for determination and operative order due to typographical error which needs to be corrected.

2. The Ld. Advocate for the defendant has not objected to the aforesaid correction and has filed his say on the present application stating that, just and proper order may pass by this court.

3. I have carefully perused the order dated 21.03.2024. It can be seen that the subject matter application was filed for restraining the defendant from obstructing from peaceful possession over the suit property. The aforesaid fact can be corroborated from application paragraph 01 of the impugned order and points for determination more particularly point no. 01. It appears that, the present application is filed for restraining the defendants from obstructing the peaceful possession of the plaintiff over the suit property. However, inadvertently due to typographical error in the operative part of the order below Exh. 05 more particularly in point no.02 injunction was granted restraining the defendant from creating third party interest in the suit property. As noted above same is contrary to the prayers in application below Exh. 05, points for determination and findings thereon.

4. Further, I have perused the record it appears that, the date of pronouncement of the aforesaid order is mentioned as 21.03.2024. However, the on perusal of the record it can be seen that, the matter was never listed on

21.03.2024. However, due to typographical error the date of the order is wrongly mentioned as 21.03.2024. The correct date of the order is 30.03.2024. Therefore, I am of the considered view that in the interest of justice the aforesaid typographical errors needs to be rectified. Hence, I pass the following order:

:: Order ::

1. Application is allowed.
2. Point no. 02 of operative order below Exh. 05 dated 21.03.2024 is hereby rectified in the below mentioned terms.
“ The defendant is restrained from obstructing from the peaceful possession of the plaintiffs over the suit property more particularly described in paragraph no. 01 of plaint.”
3. Further, the date mentioned in the operative part of the impugned order is rectified in the below terms.

“The date of order 30.03.2024”

Date:12.04.2024

(N. P. Baji)
2nd Jt. Civil Judge J.D.,
S h r i g o n d a.

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original judgment.

Name of the Stenographer : D. T. Kasare

Name of the Court : Shri. N. P. Baji,
2nd Jt. C.J.J.D.,
Shrigonda.

Date of Order : 12 -04-2024

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