

**ORDER BELOW EXH. 01 IN Other Misc. Civil Appln. No. 3/2025**

1. This application is filed by the applicant vide section 151 of the Code of Civil Procedure for correction in the RCS bearing No. 180/2016 at Exh. 1(plaint), Exh. 30(judgment) and Exh. 31(degree) with respect to suit property bearing No. 543 at Sr. No. 2. It is submitted that inadvertently and by typographical mistake the Gat No. of suit property at Sr. No. 2 is mentioned as 543 where as the Gat number should have been mentioned as Gat No. 563. It is submitted that the said mistake is clerical/typographical and therefore the application be allowed and the applicant be permitted to make corrections in the plaint, judgment and decree of RCS bearing No. 180/2016.

2. Per contra the non-applicant No. 1 filed his Say at Exh. 12 and submitted that this Court vide its judgment and order dated 09/07/2024 in RCS No. 180/2016 had partly decreed the suit on the basis of the averments in the plaint and Written Statement. The applicant ought to have made amendment in the plaint in RCS bearing No. 180/2016. Now this Court can not amend the plaint at this stage when the suit is disposed of. Hence prayed to reject the application.

3. Heard learned counsel for applicant and learned counsel for non-applicant. Perused the record. On perusal of record it reveals that my learned predecessor vide judgment dated 09/07/2024 in RCS

bearing No. 180/2016 had partly decreed the suit. The suit was filed for partition and possession. The suit property at Sr. No. 2 is mentioned as Gat No. 543. This judgment is passed on the basis of averments in the plaint and Written Statement. On perusal of the plaint of RCS bearing No. 180/2016 it reveals that the applicant has not carried out amendment or made corrections in plaint itself with respect to Gat No. 543. My learned predecessor has passed the judgment and on the basis of judgment the decree has been prepared. The judgment and decree passed on the basis of plaint in RCS bearing No. 180/2016. Section 151 of the Code of Civil Procedure gives inherent powers to the Court to make such orders as may be necessary for the ends of justice. The Court is empowered under this section to correct his own error but not the error committed by the party to the suit which is the sole domain of Plaintiff. Such inherent powers can not be used for carrying out amendment in the plaint of a suit which has already been disposed of. The present application is liable to be dismissed as not tenable with liberty to the applicant to file appropriate proceedings before the appropriate Court.

ORDER

1. Application is dismissed as not tenable.
2. Applicant is at liberty to file appropriate proceedings before appropriate Court.

Kagal
Date:- 24/03/2026

(A.B.Madke)
Civil Judge Junior Division,
Kagal.