

Order below Exh.01 In M.A.N.R.J.I.No.03 of 2025

(Passed on this 22nd day of April, 2026)

Yunus Najir. Vrs. Meheub.

CNR NO.MHLA060028612025

01. This is an application for correction of compromise decree in RCS No.1110/2022 dated 20.06.2023 vide Section 152 of the Code of Civil Procedure.

02. Perused the application. Perused the documents submitted by the applicant.

03. It is submitted by the applicant that compromise decree is passed in RCS No.1110/2022 on 20.06.2023. In that decree on page No.1 in the description of the property, east-west measurement of the property is shown to be 45 feet instead of 45 feet it ought to have been 40 feet. This is a typographical mistake. Hence, requested to grant permission to amend the decree accordingly.

04. Further, in duplicate plaint also the same mistake has been occurred. Hence, requested to amend duplicate plaint in the same manner. Further, it is submitted that in para. No.2 of the plaint in the four boundaries of the property, eastern sided boundary is shown as another property of the plaintiff. However, instead of that it ought to have been a road. Hence, requested to grant permission to amend the plaint accordingly.

05. The applicant further averred that if the proposed amendment is carried out, no one will be prejudiced. Whereas, if the said permission is not granted, the applicant will suffer

irreparable loss and may face multiple disputes. Hence, requested to allow the application.

06. The respondent appeared suo motu vide pursis Exh.6, Vakilpatra at Exh.7 and address memo at Exh.8. In pursis at Exh.6 he submitted his consent to allow the application.

07. Both the parties were absent for argument. Hence, their argument is deemed to be heard vide order below Exh.1 dated 10.02.2026.

08. Perused compromise memo and compromise decree in RCS No.1110/2022 dated 20.06.2023. In compromise memo the measurement of the property at east-west side is stated to be 45 feet. However, the 8 A extract issued by Municipal Council, Ahmedpur of Municipal Council House Property No.Q-40/1 filed with list Exh.4/2 reflects measurement of Municipal Council House Property No.Q-40/1 as 40 x 15 feet and it stands in the name of the respondent. Therefore, it seems that the description of the property House Property No.Q-40/1 mentioned in the compromise memo and the duplicate plaint seems to be wrong in respect of east-west measurement. The respondent has given consent for the amendment. As per Section 152 and 153 of the Code of Civil Procedure decree can be amended if typographical error is occurred. Therefore, the application deserves to be allowed to the extent of amendment in east west measurement of the property as instead of 45 feet to 40 feet.

09. The second amendment sought by the applicant is in

the eastern sided boundary of the property which is the subject matter of decree in Rcs No.1110/2022. If such amendment is allowed, it may prejudice to the rights of others because due to change in one sided boundary, the entire property may be changed. Which may affect the right of the unknown. There is no evidence in proof that the eastern sided boundary is mistakenly mentioned wrong and in fact it is different. In absence of such evidence, it is not just to allow the said amendment. Therefore, to that extent the application does not deserve to be allowed.

10. In view of above discussion, the application deserves to be partly allowed to the extent of east west measurement of the property as 40 feet instead of 45 feet in compromise decree dated 20.06.2023 and duplicate plaint annexed therewith. In result, I pass the following order;

ORDER

1. The application is partly allowed.
2. The decree in RCS No.1110/2022 dated 20.06.2023 be amended in para No.1 on first page in east-west measurement of the property, 40 feet be replaced instead of 45 feet. The same amendment be carried out in para No.2 and in prayer clause of the duplicate plaint.
3. The applicant and the respondent to file fresh copy of compromise memo and duplicate plaint. Thereafter fresh decree be drawn up and it be issued.
04. Both the parties to submit certified

copies and photocopies of the previous decree in RCS No.1110/2022 and shall not use it henceforth.

4. This order be attached to RCS No.1110/2022.

Place: Ahmedpur.

Date:- 22.04.2026.

(Swanandi D. Wadgaonkar)

Jt. Civil Judge, J.D., Ahmedpur.