

MHOS140010922015

Presented on : 30/10/2015

Registered on : 30/10/2015

Decided on : 15/07/2026

Duration : Yr. M. D.
10 08 15**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION PARANDA**
(Presided over by A.A Shaikh)**Civil Application No. 14/2015****Exh.No.30**

Mahadeo S/o Rambhau Sutar,
 Age- 54 years, Occup. Agri,
 R/o Domgaon, Tq. Paranda, Dist. Osmanabad. **...Applicant**

...Versus...

1. State of Maharashtra
Through Collector, Dharashiv (Osmanabad)
2. Executive Engineer
Sina Kolegaon Medium Project Paranda
Tal. Paranda Dist. Dharashiv.
3. Special Land Acquisition Officer
(Deputy Collector) Bhoom
Tal. Bhoom Dist. Dharashiv. **...Respondents**

APPLICATION: Under section-151&152 of the Civil Procedure Code.

ADVOCATES:

M. S. Patil for Applicant.
 Asst. Govt. Pleader for respondents No. 1 & 3
 S.D. Gatkul for respondent No. 2

JUDGMENT
(Delivered on this 15th day of July-2026)

1. The present application is filed by the applicant under Section 152 of the Code of Civil Procedure seeking correction of the judgment and award dated 17.03.2015 passed in Land Acquisition Reference No. 577 of 2011.

2. The case of the applicant, in brief, is that he was the owner of House Property Nos. 76/2 and 275/2 admeasuring 31.30 sq. m. and 72.90 sq. m. respectively, situated at Domgaon, Taluka Paranda. The said properties were acquired for the Sina-Kolegaon Medium Project. An award was passed and compensation was determined in his name. According to the applicant, he accepted the compensation under protest and thereafter filed a reference under Section 18 of the Land Acquisition Act, which came to be registered as Land Acquisition Reference No. 577 of 2011(Old No.205/2003). The said reference was decided on 17.03.2015.

3. It is the contention of the applicant that during the trial of the reference he inadvertently failed to produce the ownership documents relating to the acquired properties. Though the respondent had not disputed his ownership in the written statement, the reference was dismissed on the ground that he failed to prove his ownership. It is therefore prayed that this Court may exercise powers under Section 152 of the Code of Civil Procedure, accept the ownership documents produced with the present application, and correct the judgment dated 17.03.2015.

4. The respondent No.2 has filed its reply and opposed the application. It is contended that the application is wholly misconceived and not maintainable under Section 152 of the Code of Civil Procedure. It is further submitted that the applicant seeks a review of the findings recorded in the judgment by producing fresh evidence, which is beyond the scope of Section 152 CPC.

5. Notice of this application were duly served upon the respondent Nos. 1 & 3, but they failed to appear and submit their reply.

6. Having heard, following points arise for my determination and I have recorded my findings thereon for the reasons stated below :

Sr. No.	POINTS	FINDINGS
1	Whether the applicant has made out a case for exercising powers under Section 152 of the Code of Civil Procedure?	In the negative
2	What order?	As per final order

REASONS

AS TO POINT NO. 1 & 2

7. The section 152 of the Code of Civil Procedure empowers the Court to correct only clerical or arithmetical mistakes in judgments, decrees or orders, or errors arising from any accidental slip or omission. The provision is limited in its scope and cannot be invoked to alter the findings recorded by the Court or to reconsider the merits of the case.

8. The record reveals that Land Acquisition Reference No. 577 of 2011 was finally decided on 17.03.2015. The Court dismissed the reference after appreciating the evidence available on record and recorded a finding that the applicant had failed to establish his ownership over the acquired properties.

9. The grievance of the applicant is that he could not produce the ownership documents during the trial due to inadvertence and that such documents are now produced along with the present application. Thus, the applicant is not seeking correction of any clerical or accidental error in the judgment. On the contrary, he seeks reopening of the adjudication on merits by relying upon additional documentary evidence. Such a course is clearly outside the ambit of Section 152 CPC. Acceptance of the applicant's contention would require this Court to receive additional evidence, reassess the entire material on record and modify the findings already recorded in the judgment. Such an exercise amounts to review or rehearing of the matter and not correction of an accidental slip or clerical mistake. Section 152 CPC does not confer any such

jurisdiction upon the Court.

10. The omission to produce documents during the trial cannot be treated as an accidental slip or omission in the judgment of the Court. The alleged lapse is attributable to the conduct of the applicant during the trial and cannot be rectified by invoking Section 152 CPC after the judgment has attained finality. Therefore, this Court is of the considered opinion that the present application is not maintainable under Section 152 of the Code of Civil Procedure and deserves to be rejected.

ORDER

- 1.The application filed under Section 152 of the Code of Civil Procedure is rejected.
- 2.No order as to costs.

Draw up the order accordingly.

Dt.:-15/07/2026.

(A. A. Shaikh)
Civil Judge Senior Division,
Paranda

CERTIFICATE

I affirm that, the contents of this P.D.F file Judgment/Order/Record and Document are same, word to word, as per the original Judgment/order.

Name of Stenographer	-	G. I. Khobre Stenographer (Grade-III)
Court	-	Civil Court Senior Division, Paranda.
Date	-	15-07-2026
Order signed by the presiding officer on	-	15-07-2026
Order uploaded on	-	15-07-2026