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Exh 95

**IN THE DISTRICT COURT SINDHUDURG
AT: OROS**

TAL. : KUDAL, DIST. : SINDHUDURG

(Presided over by Dr Sudhiir M Deshpande, Principal
District Judge, Sindhudurg)

CIVIL MISC. APPLICATION NO. 100 OF 2015

(CNR No. MHSIo10009892015)

- 1 Sahadeo Krushna Rawool Applicants
(Org. Deft No.2/Resp No.2)
(Since Deceased, his LRs.)
- 1A Pandurang Sahadeo Rawool
Age 70 yrs, Occ – Agriculture
R/o Madura Rekhwadi,
Tal. Sawantwadi
Dist Sindhudurg
- 1B Vijaya Waman Khot
Age 65 yrs, Occu Household
R/o At Kondura Khotwadi,
Post Dandeli, Tal. Sawantwadi,
Dist. Sindhudurg.
- 1C Laxmi Narayan Chopadekar
Age 63 yrs, Occ Household
R/o At Post Dandeli
Tal. Sawantwadi
Dist. Sindhudurg
- 1D Vanita Vasudeo Pilankar
Age 61 yrs., Occu Household
R/o A/p Satarde Khalcha Bazar
Tal Sawantwadi
- 1E Ekata Aaudumbar Naik
Age 59 yrs, Occu Household

R/o A/p Sateli Bhedshi
Tal. Sawantwadi
Dist Sindhudurg

1F Radhika Suryakant Mamledar
Age 59 yrs, Occu Household
R/o Room No. 107 Yesubai
Compound Narangi Fata
Behind Ganesh Mandir
Virar (East) 401303

1G Rajeshri Rama Satardekar
Age 57 yrs, Occu Household
R/o A/p Ghodgewadi
Tal Dodamarg, Dist. Sindhudurg

1Gh Pratibha Baburao Mayekar
Age 55 yrs, Occ Household
R/o A/p Madura Rekhwadi
Tal. Sawantwadi
Dist Sindhudurg.

2 Parvati Shankar Talvanekar
(Org. deft No. 3/ Resp. No.3)
(Since deceased, her LR.s.)

2A Mohan Shankar Talvanekar
Age about 58 yrs
Occ Agriculture.

2B Vilas Shankar Talvanekar
Age about 56 yrs.,
Occ Agriculture
All R/o Madura, Rekwadi
Tal Sawantwadi
Dist. Sindhudurg.

Versus

1 Dnyaneshwar Shankar Rawool
(Org. plaintiff No.1/Appellant No.1)
Age about 55 yrs., Occ Agriculture

Opponents

2 Vasant Kashinath Rawool
(Original deft No. 2/Appellant No. 2)
(Since deceased, his LR.s.)

- 2A) Kashinath Vasant Rawool
Age about 55 yrs.
Occu Agriculture
- 2B) Dasharath Vasant Rawool
Age about 40 yrs.
Occu Agriculture
- 2C) Vishwanath Vasant Rawool
Age about 45 yrs.
Occu Agriculture
- 2D) Bhagwan Vasant Rawool
Age about 35 yrs.
Occu Agriculture
All R/o Madura, Rekwadi
Tal Sawantwadi
Dist Sindhudurg
- 2E) Sunita Satyavan Vengurlekar
Nee Vasanti Vasant Rawool
Age about 38 yrs.
Occu Agriculture
R/o Satarda
Tal Sawantwadi
Dist. Sindhudurg.
- 3 Suresh Vishnu Rawool
(Org. Plft. No.3/ Appellant No.3)
Age 57 yrs, Occu Agriculture
R/o Madura, Rekwadi,
Tal Sawantwadi, Dist Sindhudurg
- 4 Vithu Govind Khanolkar
(Org. Plft No. 4/ Appellant No. 4)
Age 70 yrs., Occu Agriculture
R/o Madura, Rekwadi,
Tal Sawantwadi, Dist Sindhudurg
- 5 Gokula @ Radhabai Shantaram
Rawool
(Orig. Plft. No.5, Appellant No.5)
(Since deceased, her LRs.)
 - 5A Santosh Shantaram Rawool
Age 33 yrs., Occu Agriculture
R/o Satarda, Dewoolwadi
Tal. Sawantwadi
Dist. Sindhudurg

- 5B Sunil Shantaram Rawool
Age about 38 years, Occu
Agriculture, R/o. Satarda
Dewoolwadi, Tal. Sawantwadi
Dist. Sindhudurg.
- 5C Nagesh Shantaram Rawool
Age about 38 years, Occu
Agriculture, R/o Satarda
Dewoolwadi, Tal. Sawantwadi
Dist. Sindhudurg
- 6 Shakuntala Govind Khanolkar After
Marriage Sou. Mohini Mohan
Talvanekar
(Orgi. Plft No. 6/Appellant No.6)
Age about 65 yrs., Occu Agriculture
R/o Talavade, Get, Tal. Sawantwadi
Dist Sindhudurg.
- 7 Gopal Mhadeo Rawool
(Org. deft No.1/Resp No.1)
- 7A Puroshottam Gopal Rawool
Age about 45 yrs.,
Occu Agriculture,
R/o Madura, Tal. Sawantwadi
Dist. Sindhudurg
- 7B Radhabai Gopal Rawool
Age about 60 yrs.
Occu Agriculture
R/o Madura, Tal. Sawantwadi
Dist. Sindhudurg
- 7C Gitanjali Gurunath Patekar
Age about 40 yrs
Occu Agriculture
R/o Aros Bazar
Tal. Sawantwadi
Dist. Sindhudurg
- 7D Ravina Ratnadip Talkar
Age about 38 yrs.
Occu Agriculture
R/o Keri, Harmal, Goa

- 7E Ankita Ankush Kerkar
Age about 36 yrs.
Occu Agriculture
R/o Redi, Tal Vengurla
Dist Sindhudurg
- 8 Vanita Ladoji Kavthankar
Age about 35 yrs., Occ. Agriculture
R/o. Revtale, Tal. Malvan
Dist. Sindhudurg
- 9 Sujata Ladoji Kavthankar
Age about 38 yrs., Occ Agriculture
R/o Kavthani, Tal Sawantwadi
Dist Sindhudurg
- 10 Sangita Ladoji Kavthankar
Age about 40 yrs., Occ Agriculture
R/o Kavthani, Tal Sawantwadi
Dist. Sindhudurg.
- 11 Ankush Ladoji Kavthankar
Age about 45 yrs., Occu Agriculture
R/o Kavthani, Tal Sawantwadi
Dist Sindhudurg
- 12 Vithal Shankar Talvanekar
Age about 65 yrs., Occu Agriculture
R/o. Madura, Rekwadi
Tal Sawantwadi, Dist Sindhudurg
- 13 Mohini Manohar Aasolkar
Age about 60 yrs., Occu Agriculture
R/o. Tambose, Tal Pendne, Goa
- 14 Ashok Vasant Revadkar
Age about 40 yrs, Occu Agriculture
R/o Aajgaon, Tal. Sawantwadi
Dist Sindhudurg
- 15 Asmita Sachchidanand Bhagat Before
Marriage Kunda Vasant Revadakar
Age about 38 yrs, Occu Agriculture
R/o. Kelus, Mhapan, Tal Vengurla
Dist Sindhudurg
- 16 Rama Vasant Revdekar
Age about 35 yrs., Occu Agriculture
R/o Ajgaon, Tal Sawantwadi
Dist. Sindhudurg

Appearance:

Mr D K Gaonkar, Ld advocate for the applicant

Mr S G Pandurkar/P D Desai, Ld advocate for the Opponents No. 1, 2(A)2(B), 3, 4, 5(A), 6

Mr S S Nimbalkar, Ld advocate for the respondents No. 7(A to E)

Mr H T Chavan, Ld advocate for the respondent No. 12.

Opponent Nos 2(C), 2(D), 2(E), 5(B), 5(c), 8, 9, 10, 11, 13, 14, 15 and 16: Ex parte

J U D G M E N T

(Declared on: 21st day of July, 2026)

This application is filed for correction of typographical mistake in the judgement and decree of RCA No. 2 of 1995.

2] The applicant No. 1 was the defendant No. 2 in the original RCS No. 24 of 1989. The suit was for partition of certain properties. RCA No. 2 of 1995 was allowed. It is prayed that in the decree Survey No. 25/4 to 8 has been mentioned which should have been 25/4 to 6 and 8. Moreover, in the paragraphs No. 5, 6 and 10 suit property 'D' is mentioned instead of which suit property 'C' should have been written. As well as in the operative part on page 6 of the judgement suit 'C' property should have been mentioned instead of suit 'D' property. Likewise wherever suit 'D' property mentioned, it is requested through the present application that it should have been suit 'C'. It is

alleged that the said error has arisen due to typing mistake for which the present applicant has been filed.

3] The opponents No. 1, 2B, 3 and 4 filed their say Exh 38. They have alleged that the applicants have filed application without studying the order of the Court in RCS No. 2 of 1995. In the said application they have explained as to how the partition should be made.

4] The opponents No. 5A and 6 have given their say Exh 45. They have adopted the contents of Exh 38.

5] Heard.

6] Mr Gaonkar Ld advocate for the applicants submit that property 'C' should have been mentioned in place of property 'D' in the decree.

7] Mr Desai, Ld advocate for some appeared opponents submits that the application is misleading and the Court has rightly excluded the properties under schedule-C being self acquired properties. They can not be the subject of the partition. In the decree property 'D' is rightly mentioned.

8] Mr Nimbalkar, Ld advocate for the other appeared opponents submits that he adopts the argument of Mr Desai. He relied on following authorities.

1. K.G. Mani v. J.H. Leuti, AIR 1955 MYSORE 2

2. **Sir Sahabji Maharaj Mills Ltd., Butigarh (Amritsar) v. Chuni Lal, AIR 1983 PUNJAB AND HARYANA 284**
3. **Bijay Kumar Saraogi v. State of Jharkhand, AIR 2005 SUPREME COURT 2435**

9] The above authorities have set the guiding principle that amendment application should be filed within a reasonable period. Moreover, amendment is meant only for limited purpose defined in Section 152 CPC and not for any substantial change in the judgment and decree. I have given due consideration to these authorities.

10] However, Mr P D Desai pointed out that in the entire judgment the appellate Court rightly described property 'C' as Survey No. 30/3, 30/7, 25/3, 25/9, 16/2, and 17/2. He contends that these properties were never part of the suit. They were self acquired properties of the original plaintiff. The appellate Court made a typing mistake on page 10 of the judgement dated 21.04.1999 regarding 'D' land in the operative order. He submits that the appellate court wrote in the operative order that, "Appeal is hereby allowed with costs and decree passed in Reg. Civil Suit No. 26/89 regarding suit 'D' lands only i.e. survey Nos. 18/1, 22/11, 25/4 to 8 and 209/3 hereby set aside."

11] Mr Desai submits that in fact the properties having Survey No. 30/3, 30/7, 25/3, 25/9, 16/2, and 17/2 were excluded from the partition by the appellate Court.

He submits that therefore, the only correction needed is in the operative order of the appellate Court regarding Survey numbers mentioned under suit 'D' lands. He submits that therefore, the application needs to be dismissed.

12] Rival contentions now require scrutiny by this Court. Mr Desai invited my attention to various paragraphs of the said judgement of the appellate Court. Overall reading of the judgement makes it clear that the schedule 'D' properties never included the properties having Survey No. 18/1, 22/11, 25/4 to 8 and 208/3. In the operative order, however, these properties got wrongly mentioned. The operative order should have been like this- "Appeal is hereby allowed with costs and decree passed in Reg. Civil Suit No. 26/89 regarding suit 'D' lands only i.e. Survey No. 30/3, 30/7, 25/3, 25/9, 16/2, and 17/2 hereby set aside".

13] Therefore, in my considered opinion the correction from 'D' to 'C' is not needed. On the contrary, as a legal and factual necessity, and in the interest of the parties, and further to make convenient the execution of the decree, the survey numbers mentioned in the operative order dated 21.04.1999 need to be corrected as above.

14] Resultantly, I am passing the following order.

ORDER

1. The application is rejected.
2. The operative order of the judgment dated 21.04.1999 in Regular Civil Appeal No. 2 of 1995 hereby stands corrected as follows- “Appeal is hereby allowed with costs and decree passed in Reg. Civil Suit No. 26/89 regarding **suit ‘D’ lands only i.e. Survey No. 30/3, 30/7, 25/3, 25/9, 16/2, and 17/2** hereby set aside”.
3. The corresponding decree stands amended. Amended decree be prepared accordingly forthwith.
4. Henceforth for all purposes including execution of decree, the operative order dated 21.04.1999 shall be read, referred and acted upon as above, wherever and whenever required.
5. Under the circumstances, no order as to costs.
6. The application stands disposed of.

Sd/-

(Dr Sudhiir M Deshpande)
Principal District Judge
Sindhudurg at Oros

All concerned to act upon digitally signed uploaded copy of this order, the printout of which can be verified from the official website of this court. In this regard attention of all concerned is invited to the authority of the Hon'ble High Court of Bombay (Bench at Aurangabad) Shital Krushna Dhake v. Krushna Dhake, MANU/MH0285/2018.