

<u>CNR No.MHPU130014622022</u> 	Received on	:	26/08/2022.		
	Registered on	:	26/09/2022.		
	Decided on	:	05/12/2022.		
	Duration	:	Years	Months	Days
		00	03	09	

IN THE COURT OF 2nd JT. CIVIL JUDGE JUNIOR DIVISION,

SASWAD, TALUKA : PURANDAR, DISTRICT : PUNE.

(Presided over by Shri. M. S. Bharad)

Civil Misc. Appln. No.60/2022

Exhibit No.10.

- 1] Shri. Ravindra Shankar Kharat,**
Age 58 years, Occupation : Agriculturist,
- 2] Shri. Mahendra Shankar Kharat,**
Age 55 years, Occupation : Agriculturist,
Both R/at : Mahur, Taluka : Purandar,
District : Pune.

... Applicants.

Versus

- 1] Shri. Rajendra Shankar Kharat,**
Age 48 years, Occupation : Agriculturist,
- 2] Shri. Macchindra Shankar Kharat,**
Age 55 years, Occupation : Agriculturist,
Both R/at : Mahur, Taluka : Purandar,
District : Pune.

... Opponents.

CLAIM :- U/s.152 OF CODE OF CIVIL PROCEDURE.

Appearance :- Shri. R. S. Fadtare – Advocate for Applicants.

Shri. P. A. Dimble – Advocate for Opponents.

J U D G M E N T

(Delivered on 5th December, 2022)

This is an application under Section 152 of the Code of Civil Procedure for correction in compromise pursis vide Exh.12 in Regular Civil Suit No.279/2022.

The facts of the plaintiff's case are as follows :-

- 2] Applicants have instituted R.C.S. No.279/2022 for declaration and partition. Said suit was decreed in view of compromise pursis vide Exh.12 on 13/08/2022. The plaintiffs and defendants were allotted the 0 H. 20 R. each out of Gat No.1156 portion. However, due to typographical errors in the compromise pursis instead of 0 H. 26 R. each out of Gat No.1156 0 H. 20 R. each out of Gat No.1156 were allotted. Said error is occurred in the decree in inadvertently. The applicants lastly prayed to allow the application and correct the decree.
- 3] Notice was issued to opponents. They appeared before the court and admitted the application.

- 4] Perused record. Following points arise for my consideration. I have given my findings with reasons as follows :-

Sr. No.	POINTS	FINDINGS
(1)	Whether there is any clerical or arithmetical error or error arising from any accidental slip or omission in compromise pursis below Exh.12 in R.C.S. No.279 of 2022 ?	: Yes.
(2)	What order ?	: Application is allowed.

REASONS

AS TO POINT NO.1 :-

- 5] The applicants have produced certified copies of Exh.1 of R.C.S. No.279/2022, Exh.12 compromise pursis of R.C.S. No.279/2022, 7/12 extract of Gat No.1156. On perusal of same, it appears that, the plaintiffs and defendants in the suit have filed compromise pursis. The suit was decree in view of compromise pursis at Exh.12 on 13/08/2022. On the perusal of 7/12 extract of Gat No.1156, it appears that the area of Gat No.1156 is 1 H. 04 R. If it is divided into plaintiffs and defendants in four parts then every party gets 26 R. However, the consent terms reduced into writing shows that, instead of 0 H. 26 R. each out of Gat No.1156 0 H. 20 R. each out of Gat No.1156 were allotted to the plaintiffs and defendants. It is the error arising out of accidental slip.

6] Opponents admitted the contents of application. However, both parties have no objection to correct said error. Therefore, I answered point No.1 in the affirmative and in answer to point No.2, I pass the following order :-

ORDER

- [1] Application is allowed.
- [2] The decree passed in R.C.S. No.279/2022 (Ravindra Kharat & Others V/s. Rajendra Kharat & Others) dated 13/08/2022 shall be corrected as prayed.
- [3] The application shall form part of decree in R.C.S. No.279/2022.

Date : 05/12/2022.

[Shri. M. S. Bharad]
2nd Jt. Civil Judge, Junior Division,
Saswad

CERTIFICATE

I affirm that the contents of this P.D.F file are same, word to word, as per the original.

Name of the Court	: Shri. M. S. Bharad, 2 nd Jt. CJJD & JMFC, Saswad.
Name of Steno	: Shri. P. B. Jadhav.
Date of order	: 05/12/2022.
Order signed by P. O. on	: 05/12/2022.
Order uploaded on	: 06/12/2022.