

MHSN050036382022



Order Below Exh.1 in M.A.N.R.J.I. 16/2022
(Lata Bhimrao Pawar Vs. Kusum Bala Shinde Etc.)

This is an application filed by the applicant under Section 152 of Code of Civil Procedure, 1908.

2. It is the contentions of the applicant that, in suit No. 307/2016, the compromise had taken place and in pursuance of that compromise *pursis* below Exh. 100, the decree was drawn. Inadvertently, the suit property 943 at page No. 4 and 5 of *pursis* (Exh.100), mistake took place i.e. area 61.19 sq.mts. is requires to be mentioned instead of 5 Ana 8 Pai. The defendants in that suit appeared and they have filed their say below (Exh.9) and submitted that they have no objection, if the application is allowed. The said mistake also happened in the compromised decree and therefore, in the present application the plaintiff applied before this court, thereby, prayed for necessary amendment and correction in compromise *pursis* and decree.

3. This court has perused the contention of the application and the original court proceedings. It appears that, in *pursis* (Exh.100) as well as compromise decree dated 05.04.2021,, therein mistake is appeared in the suit property city survey No. 943 having 5 Ana 8 Pai share mentioned. Considering the request of the applicants, the said share is required to be corrected and instead of 5 Ana 8 Pai, the area 61.19 sq.mts. is required to be mentioned as per the prayer of the applicant and in view of inherent power under Section 152 of the Code of Civil Procedure, 1908.

4. Apparently, the said mistake is typographical mistake and clerical error. So also, this court would like to refer the judgment of **Hon'ble Bombay High Court, Rahul Trading Corporation Vs Bernard Anthony Pereira, Ordinary Original Civil Jurisdiction (L) No. 8297/2021.** Wherein, the Hon'ble High Court has elaborately dealt with the power of court under Section 152 of the Code of Civil Procedure, in respect of amendment of judgment, decree and orders. In view of enunciation of law in the said judgment, this court incline to allow the present application and correct the said mistake in the compromise *pursis* (Exh.100) of R.C.S. No.307/2016 and decree wherein by mistakenly in suit property C.S. No.943, 5 Ana 8 Pai share is inadvertently mentioned instead of 61.19 sq.mts. share. Therefore, said mistake is requires to be corrected in page No. 4 and 5 of the compromise *pursis* (Exh.100) as well as in decree and wherever the 5 Ana 8 Pai share is appeared is to be corrected by inserting 61.19 sq.mts. share. Hence, following order.

ORDER

1. Application is allowed.
2. The compromise *pursis* (Exh.100) and decree in R. C. S. No. 307/2016 be corrected, wherein, the 61.19 sq.mts. share be inserted and 5 Ana 8 Pai share be deleted.

Date : - 19/03/2025
Place : - Islampur.

(Hemant P. Pancholi)
6th Jt. Civil Judge, Junior Division,
Islampur, Dist. Sangli.

CERTIFICATE

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

Name of Stenographer	:	Mrs. S. V. Kadam Stenographer Grade III
Court	:	6 th Jt. C.J.J.D. & J.M.F.C., Islampur
Date	:	19.03.2025
Signed by P. O. on	:	19.03.2025
Uploaded on	:	20.03.2025