



**BEFORE THE DESIGNATED COURT UNDER M.P.I.D. ACT
CITY CIVIL & SESSIONS COURT, MUMBAI**

ORDER BELOW EXHIBIT 6

IN

MISCELLANEOUS APPLICATION NO 332 of 2023

IN

MPID SPL.CASE NO.07 OF 2016

IN

C.R.NO.83 OF 2015

Mr. Shubham Rasiklal Gatagat & Anr. ...Applicants

Versus

Mr. Balasaheb Bhapkar & Ors. ...Respondents

Coram : HHJ Abhijeet A. Nandgaonkar

(Court No. 20)

Date: 22.04.2024

Appearance:

Ld. Adv.Pravin Gaikwad for the Applicant.

Ld. S.P.P. Mr. Sandeep Kekane for Respondents/State.

ORDER

(Dictated and pronounced in open court)

By way of this application applicant prayed for amendment by making correction which is occurred due to typographical mistake in mentioning the area of land in para No.6, para No 10 and prayer clause(a) of the miscellaneous application No. 332 of 2023.

2. The applicant submitted that applicant filed this miscellaneous application seeking permission of this court to purchase the immovable property situated at Survey No. 4/2/2 and 4/2/1/1/2 situated at

Village-Nandgoan, Tal-Nagar, Dist.-Ahmednagar, Maharashtra admeasuring 0.25 acre and 0.75 acre land respectively. However, inadvertently while drafting this application area of land is wrongly shown as 100 acres in para No.6, para No.10 and prayer clause (a) of the miscellaneous application No. 332 of 2023. Hence applicant prayed that applicant be permitted to carry out necessary correction in the above miscellaneous application.

03. Say of the Ld. S.P.P. is called. Ld. SPP filed their say overleaf the application. Ld SPP Mr. Sandeep Kekane stated that necessary orders may be passed.

04. Heard Ld. advocate Mr. Pravind Gaikwad for the applicant/accused and Mr. Sandeep Kekane for State/respondents Perused the application and say filed by the State.

05. I have also gone through the miscellaneous application No. 332 of 2023. Perused the submission, in view of the admitted fact that there is typographical mistake occurred wherein immovable property area of land is wrongly shown as 100 acres in para No.6, para No.10 of the prayer clause (a) of the miscellaneous application No. 332 of 2023 instead of Survey No. 4/2/2 and 4/2/1/1/2/ situated at Village-Nandgoan, Tal-Nagar, Dist.-Ahmednagar, Maharashtra admeasuring 0.25 acre and 0.75 acre land respectively. In such circumstances, the purpose of amendment to mention correct area of land is just and proper for just decision of matter and to have complete and effectual adjudication on merit. By making such correction the nature of the application is not going to change nor it will cause prejudice to either of the parties. Due diligence is shown by the applicant, by filing this

application for amendment. In such circumstance, application needs to be allowed. Hence, I proceed to pass following order.

ORDER

1. Exhibit 6 moved by the applicant Mr. Shubham Rasiklal Gatagat & Anr. for amendment in Miscellaneous Application No. 332 of 2023 for making typographical correction in Miscellaneous Application No. 332 of 2023 is allowed.
2. Applicant is directed to carry out necessary amendment within 14 days from the day of order by making appropriate correction in para No.6, para No.10 and prayer clause (a) of the miscellaneous application No.332 of 2023.
3. Issue notice to other sides to file their reply.
4. Copy of amended Miscellaneous Application No. 332 of 2023 be served on each concerned parties.
5. Party to bear their costs.
6. Accordingly Exh.6 In M.A. No. 332 of 2023 in MPID Case No.07/2016 stands disposed off.

(Abhijeet A. Nandgaonkar)
Designated Judge and
Addl. Sessions Judge,
City Civil & Sessions Court,
Gr. Bombay.(C.R.No.20)

Date : 22.04.2024

Dictated on :22.04.2024
Transcribed on :22.04.2024
Singed on :22.04.2024

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”

UPLOAD DATE AND TIME
22.04.2024

NAME OF STENOGRAPHER
Mrs. R.R.Hate

Name of the Judge (with Court Room No.)	HHJ Abhijeet A.Nandgaonkar
Date of Pronouncement of JUDGMENT/ ORDER	22.04.2024
JUDGMENT/ORDER signed by P. O. on	22.04.2024
JUDGMENT/ORDER uploaded on	22.04.2024

