

GAHC010127462024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/1970/2024

SWAPNA DAS AND 2 ORS.
W/O LATE SITANGSHU SEKHAR DAS,
RESIDENT OF LAKHICHARAN ROAD, WARD NO. 5, KARIMGANJ TOWN,
PO. PS AND DIST KARIMGANJ, ASSAM

2: SRI SIDDHARTHA SANKAR DAS

S/O LATE SITANGSHU SEKHAR DAS

RESIDENT OF LAKHICHARAN ROAD
WARD NO. 5
KARIMGANJ TOWN
PO. PS AND DIST KARIMGANJ
ASSAM

3: SRI SUDIPTA SANKAR DAS

S/O LATE SITANGSHU SEKHAR DAS

RESIDENT OF LAKHICHARAN ROAD
WARD NO. 5
KARIMGANJ TOWN
PO. PS AND DIST KARIMGANJ
ASSA

VERSUS

CHUMKI DAS @ PAUL AND ANR
D/O LATE PRABHAT CHANDRA DAS, RESIDENT OF TARANI ROAD,
RANGIRKHARI, SILCHAR, PO AND PS SILCHAR, DIST CACHAR, ASSAM

2:SMTI PINKI DAS

D/O LATE PRABHAT CHANDRA DAS

RESIDENT OF TARANI ROAD
RANGIRKHARI
SILCHAR
PO AND PS SILCHAR
DIST CACHAR
ASSA

Advocate for the Petitioner : MR. S P CHOUDHURY

Advocate for the Respondent : MR. B C BORAH

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

26.06.2024

Heard Mr. S.P. Choudhury, the learned counsel appearing for the applicants as well as Dr. B.C. Borah, the learned counsel representing the opposite parties.

2. This is an application under Section 152 of the Code of Civil Procedure praying for making corrections of errors in the order dated 11.06.2024 passed by this Court in Test. Appeal No.08/2022.

3. On 11.06.2024, the said order was passed by this Court as both sides resolved their earlier dispute.

4. The applicants have pointed out that the said order contains some factual errors, which are as under:

- i. In the second page, the second line of the first paragraph, the word "as well as Mr. P.J. Bayan" is to be deleted and the word "as well as Dr. B.C. Borah for the respondent no.1 and Dr. K. Pandav for the respondent no.2" is to be inserted.

- ii. In the second page, the third line of the third paragraph, the word "in favour of his sons Sitangshu Sekhar Das and late Saroj Kumar Das" is to be deleted and the word "in favour of his brothers Sitangshu Sekhar Das and Saroj Kumar Das" is to be inserted.
- iii. In the second page, the third and fourth line of the third paragraph i.e., the word "who died before the death of Prabhat Chandra Das" is to be deleted.
- iv. In the third page, the first line of the fifth paragraph i.e., the word "son" is to be deleted.
- v. In the third page, the first line of the sixth paragraph the word "the son Sitangshu Sekhar Das" is to be deleted and the word "the brother Sitangshu Sekhar Das" is to be inserted.
- vi. In the third page, the second line of the eighth paragraph, the word "children" is to be deleted and the word "legal heirs" is to be inserted.

5. After hearing both sides, I find that the errors are factual errors not connected to the merit of the case. The errors need to be corrected for the ends of justice. Therefore, the prayer for correction of the order dated 11.06.2024 in Test. Appeal No.08/2022 is allowed.

6. The errors pointed out by the learned counsels stand corrected accordingly. This order shall form a part of the order dated 11.06.2024 passed by this Court in Test. Appeal No.08/2022.

The Interlocutory Application is disposed of accordingly.

JUDGE

Comparing Assistant