

**HIGH COURT OF TRIPURA  
AGARTALA**

**CRP No.50 of 2025**

1. Smt. Maya Deb (Sarkar), W/o Late Mounabrata Sarkar, resident of Madhya Para, Ward No.1 of Belonia Municipal Council, P.O & P.S. – Belonia, District – South Tripura, Pin – 799155;
2. Sri Mainak Sarkar, Son of Late Mounabrata Sarkar, resident of Madhya Para, Ward No.1 of Belonia Municipal Council, P.O & P.S. – Belonia, District – South Tripura, Pin – 799155;

.....Petitioner(s);

Versus

1. Smt. Kabita Rani Das (Sarkar), W/o Late Subrata Sarkar, resident of Madhya Para, Ward No.1 of Belonia Municipal Council, P.O. & P.S. – Belonia, District – South Tripura, Pin-799155;
2. Shri Supratim Sarkar, S/o Late Subrata Sarkar, resident of Madhya Para, Ward No.1 of Belonia Municipal Council, P.O. & P.S. – Belonia, District – South Tripura, Pin-799155;
3. Shri Subhrajit Sarkar, S/o Late Subrata Sarkar, resident of Madhya Para, Ward No.1 of Belonia Municipal Council, P.O. & P.S. – Belonia, District – South Tripura, Pin-799155;

..... respondent(s);

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| For Petitioner(s) | : Mr. Saugat Datta, Advocate,<br>Mr. Abhinandan Pal, Advocate,<br>Ms. Maitri Majumder, Advocate. |
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| For Respondent(s) | : None. |
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**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO**

**O-R-D-E-R**

**01/08/2025**

Heard the counsel for the petitioners.

2. This revision petition is filed challenging an order dated 27.06.2025 of the Civil Judge (Sr. Divn), Court No.1, South Tripura, Belonia, allowing an application under Section 152 of the CPC read with Section 151 of the CPC granting leave to the respondents to amend the schedule of the land as

mentioned in the plaint and in the decree delivered in the connected disposed of title suit.

3. The respondents were the decree holders being legal representatives of the deceased plaintiff Subrata Sarkar and had filed an execution case bearing No. Ex(T) 04 of 2022 which is pending for disposal. They sought insertion in the schedule and also in the decree of the Court of the words “being the piece or parcel of Mouja Belonia under Belonia Tehsil Kachari”. Notice was given to the petitioners who opposed the said application. After hearing both the parties, the trial Court observed in paragraph- 8 as under:

“8. If we go through the entire record of the disposed of Title Suit, a reference may be had of the following: -

(a) Vide Para No. (r)(iv) of the plaint, the plaintiff (now deceased) had pleaded that he had submitted certified copy of finally published Khatian to substantiate his claim;

(b) From the schedule of the suit land appended to the plaint, it can be found that the suit Khatian No. 98 is corresponding to C.S. (old) Plot No. 988 [now C.S. (new) Plot No. 1113/5493];

(c) During evidence of P.W.-1 (Sri Subrata Malakar), certified copy of Khatian No. 98 of Mouja Belonia, Tehsil – Belonia, was adduced into evidence by the plaintiff and had been marked as Exbt. 3 at the instance of the plaintiff. Further upon perusal of the Exbt. 3, it is appearing that the quantum of suit land is 0.076 acre which is corresponding to Sabek Dag No. 988, Hal Dag No. 1113/5493 and recorded in Khatian No. 98 of Mouja, Tehsil, Revenue Circle and Sub-Division all of Belonia;

(d) At the 2nd paragraph at Page No. 7 of the Judgment delivered in the connected disposed of suit,

certified copy of Khatian No. 98 has been mentioned as Exbt. 3 having Mouja and Tehsil – Belonia;

(e) At the 2nd paragraph at Page 14 of the Judgment delivered in the connected disposed of suit, it has been observed as:- “.....*On scrutiny of records, I find that the suit land is situated at Belonia Sub-Division, the resident of both the parties are from Belonia Sub-Division.....*”

(f) At Page 18 of the Judgment delivered in the connected disposed of suit, at the Paragraph 18, it has been observed as:- “*Ext. 3 is the certified copy of khatian No-98 of Mouja Belonia, TK- Belonia in the name of Arati Bala Sarkar measuring 0.076 acres of land. The source of khatian is the registered sale deed No.- I-635 and which is registered deed.*”;

(g) At Page 21 of the Judgment delivered in the connected disposed of suit, at Point No. (6), Exbt. 3 has been recognized as the Certified copy of khatian No-98 of Mouja Belonia, TK Belonia;

(h) The registered sale deed No. I-635 had been adduced into evidence as Exbt. 1 and while appreciating the same in deciding the case RFA No. 18 of 2018, Hon’ble High Court of Tripura at Paragraph No. 11 of its judgment has observed – “.....*It leads me to give a bird’s eye view to the deed of gift (Exbt-1). There is no dispute regarding the valid execution and registration of the gift deed*”;

(i) Hon’ble High Court of Tripura at Paragraph No. 22 of its judgment has further observed– “.....*There is no evidence that Arati Bala Sarkar, executed and registered the gift deed (Exbt-1) under any undue influence or coercion*”;

(j) Upon perusal of the gift deed (Exbt. 1), it can be seen that the land that was transferred through gift deed falls within the Mouja and Tehsil – Belonia.”

4. Having regard to the said material pointed out by the respondents, the trial Court allowed the said application holding that there

was no iota of doubt that the suit Khatian No. 98 is relating to Mouja and Tehsil – Belonia and the non-mentioning of or omission to mention as “Mouja – Belonia” and “Tehsil – Belonia” in the schedule of the suit land appended to the plaint is nothing but a mere clerical or inadvertent omission and if corrected, no prejudice would be caused to the petitioners.

5. Though the counsel for the petitioner sought to contend that the matter to be added in the plaint and in the decree cannot be said to be a clerical error, I agree with the reasoning of the trial Court and hold that, considering the material referred to by the trial Court in paragraph-08 of the said order, the omission to mention the above words in the plaint and in the decree is only a clerical error on account of accidental slip or omission.

6. I, therefore, do not find any merit in the instant revision petition. Accordingly, it is dismissed. No costs.

(M.S. RAMACHANDRA RAO, CJ)