

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.159 of 2013

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1. Sri Chandranand Singh S/O Sri Kritya Nand Singh Resident Of Village Lakajhi, Police Station Banmankhi, District Purnia At Present Residing Madhubani Jaiprakash Nagar, Police Station K. Hat, District Purnia Through Avinash Kumar, Son Of Sri Chandra Kishor Singh, Resident Of Madhubani Jai Prakash Nagar, Police Station K. Hat, District Purnia Holder Of Special Power Of Attorney Vide Deed No. 9442 Dated 31.7.2001.

.....Plaintiff... Petitioner

Versus

1. Smt. Usha Chand W/O Late Vijay Kumar Chand Resident Of Madhubani, Police Station K. Hat, District Purnia.
2. Smt. Priya Singh D/O Late Vijay Kr. Chand Resident Of Madhubani, Police Station K. Hat, District Purnia.
3. Smt. Kumari Namrata Chand D/O Vijay Kr. Chand Resident Of Madhubani, Police Station K. Hat, District Purnia.
4. Smt. Kumari Amrita Chand S/O Late Vijay Kr. Chand Resident Of Madhubani, Police Station K. Hat, District Purnia.

..... Defendant.... ..Opposite party

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 13-07-2016 Heard Mr. Vikram Singh, learned Counsel for the petitioner.

By the impugned order the learned Court below has rejected the prayer of the petitioner for correction in the decree under Section 152 CPC.

Learned Counsel for the petitioner has submitted that that the learned court below has failed to appreciate that the wrong mentioning of the plot numbers in the decree may prejudice the right of the person who may be dealing with those plots even though the boundary as mentioned in the decree with regard to those plots are correct. It has been pointed out that the suit has been disposed of in terms of the compromise and the said compromise petition contains mentioning of both old and new plot numbers of the suit plots, but in

the decree the old plot numbers as mentioned in the plaint has only been mentioned. It has been accepted that no prayer for amendment in the plaint by inserting new plot numbers was ever made during pendency of the suit or even at the stage when it was being disposed of in terms of the compromise.

After considering the submission and the averments in the petition, it is manifest that the learned Court below came to the conclusion that in the decree the plot numbers which have been mentioned are exactly the plot numbers which have been mentioned in the plaint. The learned Court below has, however, further come to the conclusion that the prayer of the petitioner is for correcting those plot numbers by inserting new plot numbers and therefore the learned court below has come to the conclusion that the prayer does not come within the scope of Section 152 CPC as there is no clerical or arithmetic error.

This Court does not find any error of jurisdiction or material irregularity in the order of the learned court below.

This revision application is accordingly dismissed. The petitioner, however, will have the liberty to seek redressal of his grievances in accordance with law.

(V. Nath, J.)

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