

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5 of 2017

IN

Civil Writ Jurisdiction Case No. 20255 of 2012

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Bachi Devi, wife of Dashrath Prasad Yadav, resident of village Sirdalla Tola
Babni Nagma, P.S. Sirdala, District Nawadah.

.... Petitioner

Versus

Sudama Devi, wife of Sri Jagdish Prasad Yadav, resident of village Sirdalla Tola
Babni Nagma, P.S. Sirdala, District Nawadah.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Roy Shivaji Nath, Sr. Advocate
Mr. Ray Saurabh Nath, Advocate

For Opposite Party :

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-11-2017

The present petition has been filed for modification of the
order dated 08.11.2016 passed in CWJC No. 20255 of 2012.

2. Mr. Roy Shivaji Nath, learned senior counsel appearing
on behalf of the petitioner, points out that an apparent typographical
error has inadvertently occurred in the penultimate and final
paragraphs of the order wherein reference has been made to “the gift
deed dated 22.02.1969 in favour of Ravindra Prasad and Guru Sahay
Mahto” as the gift had been made to Ravindra Prasad by Guru Sahay
Mahto.

3. This Court is satisfied that such typographical error
has occurred, as evident from the earlier part of the order itself.
Accordingly, the words “in favour of Ravindra Prasad and Guru Sahay



Mahto” in the penultimate as well as final paragraphs of the order shall be read as “in favour of Ravindra Prasad by Guru Sahay Mahto”.

4. Learned senior counsel further submits that the observation made in the last paragraph of the order is likely to be construed as a cause for extension of period of limitation for seeking remedy against the gift deed dated 22.02.1969 by the opposite party though such challenge is already barred by limitation.

5. This Court is of the view that such apprehension is misplaced as the observation of this Court was only to the effect that the order would not prejudice the right of the defendant-opposite party to seek remedy. In other words, the defendant-opposite party would be only entitled to seek remedy if the same was available in accordance with law. The order dated 08.11.2016 thus requires no modification in this regard.

6. The modification petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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