

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16305 of 2013

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Ghouli Dev S/O Ram Das Resident Of Mohalla- Line Bazar, P.S- K. Hat, District-
Purnea

.... Petitioner/s

Versus

1. Basanti Devi S/O Sunil Das And Late Dhaneshwar Das Resident Of Mohalla-
Tatma Toli, P.S- K.Hat, District- Purnea.
2. Sudama Devi @ Lalia W/O Chandra Deo Das And D/O Late Dhaneshwar Das
Resident Of Mohalla- Tatma Toli, P.S- K.Hat, District- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-02-2017

Heard Mr. Surendra Kumar, learned counsel for the
petitioner.

The present petitioner is the plaintiff in the suit and is
aggrieved by the order passed by the learned court below holding that
the properties in M.S. Khata No. 195, M.S. Khesra No. 1211, area 84
Ayer has already been deleted from the list of the suit property but
mentioned in the preliminary decree by clerical mistake.

After considering the submissions made by the learned
counsel for the petitioner and perusal of the impugned order including
the materials on record, it is pellucid that the present petitioner as
plaintiff in T.S. No. 84 of 1991 filed a petition on 17.01.1996



(Annexure-4) making the prayer in the suit to delete the name of defendant no. 2 Chand Mohan Das from category of defendant and M.S. Khata No. 195, M.S. Khesra No. 1211, area 84 Ayer from the category of schedule-A of the suit land. It also transpires from annexure-4/1 that by order dated 24.06.1996, the said petition of the plaintiff was allowed by the court. In the impugned order, the learned court below has taken into notice the aforesaid facts and circumstances before coming to the conclusion that in the preliminary decree passed in the aforesaid suit, the M.S. Khata No. 195, M.S. Khesra No. 1211, area 84 Ayer had been included by clerical mistake, and accordingly has passed the order directing for deleting the said property from the preliminary decree. In this backdrop, this Court does not find that the learned court below has committed illegality or irregularity in passing the impugned order. This Court also has not been persuaded to hold that the finding by the learned court below relating to clerical mistake is erroneous.

The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.02.2017
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