

S.A. 266 of 2017  
CAN 4 of 2022

In the matter of : Prosanta Kumar Dey

Mr. Siva Prasad Ghosh ... for the appellant

In Re : CAN 4 of 2022

Heard Mr. Ghosh, learned counsel appearing on behalf of the appellant.

It is submitted that in the decree that was drawn up on 18.01.2018 pursuant to the judgement passed by a co-ordinate Bench, schedule of the suit property has not been incorporated. The decree is for eviction of defendant / respondent and schedule of the suit property should have been incorporated in the decree to remove ambiguity or vagueness and to make the decree executable.

This is a clerical mistake.

Department is directed to remove the error by incorporating the schedule of the suit property as delineated in the copy of the plaint at page 11, Annexure – 'A', since the decree passed by the learned Trial Court as well as by learned First Appellate Court is bereft of delineation of the suit property, within two weeks hence.

The application being CAN 4 of 2022 is disposed of.

(Siddhartha Roy Chowdhury, J.)