

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 18 of 2017

Goverdhan S/o Dayaram Aged About 40 Years Caste Dhanvar, R/o Village Pondidih, Tahsil & Thana Khadgawa, District Koriya, Chhattisgarh.

---- Petitioner

Versus

1. Vimla Bai W/o Shri Goverdhan Aged About 37 Years Caste Dhanvar, R/o Village Chanvaridand, Thana & Tahsil Khadgawa, District Koriya., Chhattisgarh.
2. Chandra Kumar S/o Shri Goverdhan Aged About 22 Years Caste Dhanvar, R/o Village Chanvaridand, Thana & Tahsil Khadgawa, District Koriya., Chhattisgarh.

---- Respondents

Shri Parag Kotecha, counsel for the petitioner/s.
None for respondents though served.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/02/2017

The petitioner has filed this petition under Section 482 of CrPC aggrieved by order dated 20/10/2016, by which, petitioner's application for correction of order dated 27/12/2007, has been rejected.

2. Learned counsel for the petitioner submits that while entering into compromise with the respondents, inadvertently, the petitioner entered into compromise agreeing to give half of 2.030 hectares of land. On the date compromise was entered into, the petitioner was not possessed of that much land, inasmuch as half of the land was already transferred to the other wife – Gulabia in the year 2003.

3. After going through the impugned order, I find that the Court below has recorded finding that at the time of entering into compromise, petitioner did not disclose the fact that he had already parted with half of the property earlier and gave it to the other wife - Gulabia. It appears that in order to seek compromise

of the dispute, the petitioner entered into agreement giving incorrect facts before the Court. On this basis, the application has been rejected.

4. I do not find any illegality in the order rejecting application of the petitioner, as the petitioner is not entitled to any such correction in the order. It would be another matter before the Court to examine as to the extent to which, order could be passed against the petitioner as he does not actually possess land to the extent indicated in the compromise. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti