

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.528 of 2017

Sahodra Devi, wife of Sri Devi Dayal, resident of Mohalla- Mansaram Ka Akhara, Kath Ka Pul, P.S.- Mehandiganj, Patna City, District- Patna.

... .. Petitioner (Defendant)

Versus

Malti Devi, wife of Late Bijay Kumar Pandey and daughter of Late Chotu Pandey, resident of Mohalla- Mansa Ram Ka Akhara, P.S.- Khajekalan.

... .. Respondent (Plaintiff)

Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-10-2018 Heard both sides.

This civil miscellaneous petition is directed against the order dated 27.02.2017 passed by the learned Sub-Judge-III, Patna City by which some correction has been made in order dated 02.11.2016 passed in Title Suit No.274 of 2015.

The learned counsel for the petitioner submits that vide order dated 02.11.2016, the defendant-petitioner was allowed to repair the suit properties but vide order dated 27.02.2017, the impugned order, the plaintiff was allowed to repair the suit premises. It is submitted that the defendant is in possession of the suit premises, therefore, the order is illegal but I find no substance in the submissions of the learned counsel for the petitioner as it appears from bare perusal of the order dated 27.02.2017 that earlier the plaintiff filed petition on 26.09.2016 seeking permission



to repair the house detailed in Schedule I of the plaint and by order dated 02.11.2016 the petition was allowed but instead of the plaintiff, defendant was permitted to repair the house of the plaintiff. Thereafter the plaintiff-opposite party filed a petition for making correction in the order dated 02.11.2016 and by the impugned order dated 27.02.2017, the same error was rectified and instead of defendant, plaintiff was written in the order. The order appears to be the routine order. It appears that the defendant-petitioner wanted to take advantage of the clerical error crept in the order dated 02.11.2016 submitting that defendant was allowed to repair the house. Defendant had not filed any petition seeking any permission from the court to repair the house. It was the plaintiff who had filed petition and the petition of the plaintiff was allowed and permission was granted to repair the suit premises but due to mistake instead of plaintiff, defendant was typed, therefore, I do not find any reason to interfere in the order impugned dated 27.02.2017 passed by the learned Sub-Judge-III, Patna City.

Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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