

05.09.2022

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C.O. 660 of 2022

Nirashi Mahato & ors.

Vs.

Sishu Bala Mahato @ Buri Mahato & anr.

Mr. Soumik Ganguly

Mr. Dilip Kumar Sadhu

... for the petitioners

None appears on behalf of the opposite parties.

Learned Advocate for the petitioners has submitted that notice has been duly issued upon the opposite parties and he has submitted affidavit of service. Let it be kept with the record.

The instant Revisional Application has been filed against the order No.31 dated 3.2.2022 passed by the learned Civil Judge, Senior Division, Purulia in Succession Certificate Case No.09 of 2017.

The contention of the learned Advocate for the petitioners, Mr. Soumik Ganguly, is that the learned Civil Judge, Senior Division, Purulia, has rejected the petitioners' application for correction of impugned order No.29 dated 6.3.2020 passed by the said Court on the ground that for correction of the impugned order, the petition under Sections 151, 152 and 153 was not a correct one.

After going through the entire materials on record, it transpires that in the relevant order dated 06.03.2020 the petitioners therein were declared to have several sums concerning death benefits of late Ramkrishna Mahato and in Item No.1 of the relevant schedule the

learned Court has declared that the petitioners therein were entitled to P.A. Assets of Rs.68,166/- (Approx.).

Learned Advocate appearing for the petitioners draws the attention of this Court to the letter dated 1.12.2011 of the Divisional Personnel Officer, Adra, S.E. Railway, wherein the railway authority has stated that the amount of P.F. Asset would be Rs.60,166/- (approx.).

According to the learned Advocate for the petitioners, as the learned Civil Judge, Senior Division at Purulia has mentioned that the petitioners are entitled to Rs.68,166/- approximately as P.A. Assets, the concerned authority shall not disburse the relevant amount as the said amount is higher than the amount mentioned in the letter dated 1.12.2011. As such, he has prayed for a direction upon the learned Civil Judge, Senior Division, Purulia to rectify the order dated 6.3.2020 in light of the letter dated 1.12.2011.

After perusal of the materials on record and also considering the submissions of the learned Advocate for the petitioners, it appears that the learned Civil Judge (Senior Division), Purulia has rightly observed that as the original application contained wrong amount of Rs.60,166/- as P.A. Assets, the same cannot be rectified by a petition under Sections 152 and 153 of Civil Procedure Code, as the mistake or omission was not taken place at the instance of the Court.

The Court can rectify its own mistake or error in the judgment/order passed by it. But the Court cannot amend the contents of the original application filed by the petitioners. As such, the impugned order cannot be interfered with from this Court. However, the petitioners are given liberty to submit appropriate application to correct the original application before the learned Court at Purulia and the learned Court will dispose of the same expeditiously within this year after complying with all the legal formalities.

The order No.31 dated 3.2.2022 passed by the learned Civil Judge, Senior Division, Purulia in Succession Certificate Case No.09 of 2017 is hereby affirmed.

Let the copy of the order be communicated to the concerned Court at Purulia accordingly.

Urgent certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Apurba Sinha Ray, J.)