

17.11.2022
Item No.5
Ct. No.7
CHC
(disposed of)

C.O.734 of 2022

Smt. Pushpa Das
Vs.
Swami Santananda @ Mangal Bhattacharjee & ors.

Mr. M. Goswami,
Mr. P. Goswami

...for the petitioner

Mr. R. N. Chakraborty,
Mr. M. Ahmed

...for the opposite parties

Affidavit-of-service furnished by the petitioner be taken on record.

Some typographical mistakes, revealed in the cross-examination of P.W.1, have been sought to be corrected upon filing an application under Section 151 C.P.C., which by the order impugned, the court below has rejected the same.

Mr. Goswami, learned advocate appearing for the petitioner submits that cross-examination of P.W.1 in Misc. Case No.118 of 2018 was done on 8th February, 2021. After collection of the certified copy of deposition of P.W.1, some typographical mistakes could be detected with respect to some name disclosed by such witness (P.W.1.).

It is proposed by the petitioner that such correction is inevitable, otherwise there may be future complication.

Mr. Chakraborty, learned advocate appearing for the opposite parties submits that unless there be delay explained sufficiently, mere filing of the petition under Section 151 C.P.C. would not automatically provide instrument to petitioner for making necessary correction.

It is thus contended by the learned advocate for the opposite parties that appropriate application should have been filed for doing necessary correction, if necessary upon taking leave of the Court.

Having considered the submission of both sides, it appears that correction in respect of the name disclosed by P.W.1 during cross-examination on 8th February, 2021, has been proposed, for the same being inadvertently typed. Such mistake could be detected after collection of the certified copy. There is hardly any scope for any further elaboration.

The revisional application stands disposed of upon setting aside the impugned order permitting the petitioner to file an appropriate application proposing to recall of P.W.1, setting forth the grounds requiring correction, and the question to be put in cross-examination for the necessary correction in the evidence of P.W.1, adduced on 8th February, 2021. Such exercise, may be made within three weeks from the date of communication of this order, upon supplying a copy well in advance to the opposite

parties. If such application is filed, that may be duly decided in accordance with law so that the necessary correction, if there is any necessity to be corrected, the same may be ensured in accordance with law.

With this observation/direction, the revisional application stands disposed of.

Parties are directed to make communication of this order to the court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)