

(19)
14.03.2022
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

CO No. 2973 of 2019

**Farida Bibi
-versus-
Nengtu Sk. & ors.**

Mr. Tapas Kumar Bhattacharya,
Mr. Aviroop Bhattacharya,
... for the petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for partition and is directed against the order no. 44 dated December 20, 2018 passed by the 1st Court of learned Civil Judge (Senior Division), Krishnagar, District: Nadia in the said suit being Title Suit No. 102 of 2014.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner seeking rectification of the preliminary decree passed in the said suit on the ground that the rectification prayed for is not coming within the purview of Section 152 of the Code of Civil Procedure.

The petitioner in the said application alleged that allotment of shares in the preliminary decree in favour of the defendant nos. 5 to 9 is erroneous inasmuch as the said defendants are not co-sharers to the suit property.

The rectification of the preliminary decree sought for by the petitioner is neither a clerical nor an arithmetic mistake in the said decree, as such, Section 152 of the Code cannot be resorted to for rectification of the said decree in the manner as sought for.

This Court therefore does not find any reason to interfere with the order impugned.

The revisional application being CO 2973 of 2019 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)