

IN THE HIGH COURT OF ORISSA AT CUTTACK

O.J.C. NO.7088 OF 2000

Madhusudan Behera

....

Petitioner

Mr.A.K.Mahakud, Adv.

-versus-

Bhimsen Behera & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

20.9.2022

Order No.

07.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves a challenge to the revisional order dated 29.12.1997 passed under Section 37(1) of the OCH & PFL Act in Consolidation Revision Case No.44/1994.
3. Perusal of the impugned order, this Court finds, the case has been disposed of on parties including the present Petitioner agreed to partition of their joint holding in the Revision. Taking into account the submission of the learned counsel for the Petitioner, this Court finds, the disposal herein is based on clear recording of their concession. For the settled position of law, if a Court has mistakenly recorded the submission of any aggrieved party, it is only that Court can make such correction. This Court also finds, once a party claims

having not surrendered in any manner recorded therein, it is for that Court only to rectify such mistakes.

4. In the circumstance, this Court disposes of the matter finding no scope for interfering with the impugned order however permitting the Petitioner in the event he is so advised may move the Revisional Authority for appropriate correction and entering into fresh adjudication, if any. The LCR be returned back forthwith.

M.K.Rout



(Biswanath Rath)
Judge