

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 625 OF 2022

Manisha Das

.... ***Petitioner***

Mr. Banshidhar Baug, Advocate

-versus-

Raghunandan Das

.... ***Opp. Party***

Mr. D.K. Sahoo, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
01.08.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. This CMP has been filed seeking for a direction to the learned Civil Judge (Senior Division), 1st Court, Cuttack to correct the name of the husband of Plaintiff-Petitioner in the cause title of the judgment and decree passed in C.S. No.117 of 2009 and disposed of C.M.A. No.146 of 2019 accordingly.
 3. Mr. Baug, learned counsel for the Petitioner submits that the Petitioner is the daughter of the Opposite Party. She had filed C.S. No.117 of 2009 for partition. The suit was decreed on compromise vide order dated 22nd April, 2012 passed by the Lok Adalat. Compromise decree was drawn up accordingly. Subsequently, the Plaintiff-Petitioner could detect that the name of her husband has been wrongly typed as 'Swadhi' in place of 'Swadhin' in the judgment and decree passed in the said suit. Hence, she filed an application under Section 151 read with Section 152 C.P.C. in C.M.A. No.146 of 2019 for correction of the name of her husband in the cause title of the judgment and decree. The Defendant-Opposite Party

appeared and gave his consent for such correction. Considering the facts and circumstances of the case, learned Civil Judge (Senior Division), 1st Court, Cuttack allowed the petition vide order dated 19th February, 2021 and posted the matter to 24th February, 2021 for orders in C.M.A. No.146 of 2019. Before pronouncement of the order, the Presiding Officer was transferred. The succeeding Presiding Officer vide his order dated 15th March, 2022 posted the matter to 21st April, 2022 for hearing and since then the matter is lingering.

4. It is submitted by Mr. Baug, learned counsel for the Petitioner that learned Civil Judge (Senior Division), 1st Court, Cuttack is insisting upon the Plaintiff-Petitioner to lead evidence in the matter. As the Petitioner is staying at Hyderabad and is not in a position to come to Odisha to lead evidence in the matter in near future, the matter is likely to be delayed and is unnecessarily lingering for a simple correction in the name of her husband, which is not objected by the Defendant-Opposite Party. Hence, he prays for a direction to learned Civil Judge, (Senior Division), 1st Court, Cuttack for correction of the name of her husband in the judgment and decree passed in C.S. No.117 of 2009.

5. Mr. Sahoo, learned counsel by filing Vakalatnama in Court today enters appearance on behalf of the Opposite Party. He submits that he has no objection, if the prayer made by learned counsel for the Petitioner is allowed.

6. In the facts and circumstances of the case and for the ends of justice, this Court directs that learned Civil Judge

(Senior Division), 1st Court, Cuttack shall do well to dispose of the petition i.e. C.M.A. No.146 of 2019 in accordance with law as expeditiously as possible preferably within a period of seven days from the date of production of certified copy of this order keeping in mind that the prayer made by the Petitioner is not objected by the Opposite Party as well as the order dated 19th February, 2021 passed in the said C.M.A. without insisting upon leading evidence in the matter.

Urgent certified copy of this order be granted on proper application.



(K.R. Mohapatra)
Judge

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