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CO No. 238 of 2023

**Biswanath Koley
versus
Prasanna Kumar Koley & Ors.**

Mr. Basu Deb Gayan,
Ms. Sucheta Banerjee For the petitioner.

Mr. Subhendu Bandyopadhy,
Mr. Arindam Mitra. For the opposite parties.

This revisional application assailed the Order No. 107 dated 19.12.2022 in connection with Title Suit No. 371 of 2013 passed by learned Civil Judge (Senior Division), Serampore, Hooghly whereby learned Judge rejected the application under Order 6 Rule 17 read with Section 153 of the Civil Procedure Code with a prayer for amendment of plot of the subject property on the ground of typographical error.

Mr. Basu Deb Gayan, learned advocate appearing on behalf of the petitioner has submitted that application for correction was made under Section 153 of the Civil Procedure Code and that was rejected by the learned Trial Judge on the ground of passing of final decree after holding of commission by the partition commissioner in respect of plot of the subject property as per schedule.

Mr. Subhendu Bandyopadhy, learned advocate appearing on behalf of the opposite parties has submitted that not only final decree was passed by the learned Civil

Judge (Senior Division), Serampore, Hooghly but also an appeal being No. FAT 47 of 2022 has been preferred on behalf of the opposite parties before the Hon'ble Division Bench of this Court.

On careful perusal of the entire materials on record, I find that suit was decreed in final form and after holding of commission by the partition commissioner and more so that the decree was challenged before the Hon'ble Division Bench of this Court in the year 2022.

Therefore, petitioner is not entitled to file any application for amendment of any plot of the subject property after passing final decree by the Trial Court and to add to that the said final decree has been challenged in appeal before the Hon'ble Division Bench of this Court.

Considering all facts and circumstances, I find the instant revisional application is not sustainable in law.

Thus the revisional application stands dismissed.

(Bibhas Ranjan De, J.)