

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.221 of 2016

In
Civil Writ Jurisdiction Case No.3455 of 2016

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Shakti Nath Jha, son of late Surendra Nath Jha, resident of village- Banu Chhapar, Post- Banu Chhapar, PS- Bettiah Muffasil, District- West Champaran, Bihar.

... .. Petitioner/s

Versus

1. Baliram Das, son of Rambrichh Das,
2. Manoj Das, son of Late Sita Ram Das,
3. Paras Das,
4. Aaas Das, both sons of late Raja Ram Das,
All resident of village- Banu Chhapar, Post- Banu Chhapar, PS- Bettiah Muffasil, District- West Champaran, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, Advocate
For the OP Nos. 1 & 4 : Mr. Dhurendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

42 29-08-2025 Heard learned counsel for the petitioner as well as

learned counsel for the opposite party nos. 1 and 4.

2. This revision application has been filed against the order dated 24.11.2015 passed by the Additional District Judge, 3rd, West Champaran, Bettiah, in Civil Misc. Case No.17 of 2011, by which the aforesaid Civil Misc. Case was dismissed.

3. Factual background of the case is that the ancestor of the petitioner, namely. Pt. Bind Nath Jha, was the sole plaintiff in Title Suit No.46/13 of 1957, which was filed for declaration of title and also for recovery of possession. The said title suit was decreed vide judgment and decree dated 21st



February, 1958. Against the said judgment and decree of the title suit, the defendants filed Title Appeal No.32 of 1958/16 of 1958 and the same was allowed by the learned Additional District Judge, Champaran, Motihari, vide judgment and decree dated 03.09.1958 whereby judgment and decree of the trial Court passed in Title Suit No.46/13 of 1957 was set aside. Subsequent to the judgment and decree by the first appellate Court, the plaintiff filed Second Appeal No.1525 of 1958 in this Court which was also dismissed on 24.02.1959 and the judgment and decree of the first appellate Court was affirmed.

4. The petitioner, who is the descendant of the original plaintiff, had filed Civil Misc. Case No.17 of 2011 before the District Judge, Bettiah, for correction in the judgment of first appellate Court, wherein, in the fifth line of paragraph no.5 of the said judgment, there is mistake and '*Gairmazarua Aam land*' has been mentioned in place of "*Gairmazarua Britdar land*". The meaning of both the words are different and contradictory to each other.

5. Counsel for the petitioner submits that as per the case of the original plaintiff in the original suit itself the ancestor of the petitioner was *Britdar* i.e., the Tenure Holder in respect of Plot No.521, which was recorded in CS Khatiyani as



Gairmazarua Britdar land. Due to wrong mentioning of the nature of land in the judgment of the first appellate Court the appeal was decided against the plaintiff/petitioner. Thus, the correction as sought by the petitioner is necessary in the interest of justice.

6. Learned counsel for the opposite party nos. 1 and 4 is present and submits that the judgment and order of the first appellate Court has merged in the judgment of Second Appeal No.1525 of 1958 passed by this Court. Further, the petitioner has approached the Court for necessary correction in the judgment after lapse of about fifty three years, hence, the relief as sought for by the petitioner cannot be granted.

7. Having heard learned counsel for the parties, this Court is of the view that the petitioner has filed the Civil Misc. Case for correction in the judgment of the first appellate Court after about fifty three years, that too, after the judgment of the first appellate Court was upheld by this Court in Second Appeal. After such a long period, there is no scope of any correction in the judgment of the first appellate Court. Furthermore, Title Suit of the original plaintiff was dismissed and no relief was granted in favour of the petitioner or his ancestors, thus, no question of any modification is made out.



8. In the result, this civil revision application is dismissed having no merit in it.

(Khatim Reza, J)

J. Alam/-

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