

December 19, 2025
Sl. No.2
Court No.1
S. Biswas

MAT 687 of 2018

With

CAN 3 of 2025

Tamal Chatterjee and another

vs.

State of West Bengal and others

WITH

FMA 720 of 2019

*The Chairman, West Bengal State Minor Irrigation
Corporation Limited and others*

vs.

Tamal Chatterjee and others

Mr. Guddu Singh

... for the applicant

Mr. Suddhadev Adak

... for the State

Per, Smita Das De, J.

In re: CAN 3 of 2025

1. This is an application filed for modification and/or correction of the Judgement / Order dated 07.11.2025 in MAT No. 687 of 2018 with MAT No. 649/2018 (FMA No. 720 of 2019) by the Respondent No. 3 being the application herein.
2. Main grievance of the application is to modify and/or clarify the rate of interest @ 5% per month to @ 5% per year.
3. The instant application pertains to modification/clarification with regard to the rate of interest as mentioned in the operative part of the judgment and Order dated 07.11.2025 passed in MAT No. 687 and 649 of 2018 (FMA 720 of 2019).

4. In a nutshell the issue involved in the appeal was with regard to the denial of joining (appellant/respondent) on the post of Junior Engineer at the office of the Divisional Engineer, Berhampore and Birbhum.
5. In view of the above we find that the issues raised in the present application were specifically argued and adjudicated upon during the final hearing of the appeal. Under Section 11 of the Code of Civil Procedure (CPC), the principle of the Res Judicata applies. Since the matter has already been decided on merits, the parties are debarred from re-agitating the same issues under the modification. This application is an attempt to seek a “second innings” on matters already settled.
6. The applicant has filed this instant application by invoking the inherent powers of this Court and Section 152 of the CPC. It is a well settled proposition of law that once a judgment is signed and pronounced, the Court becomes “Functus Officio” as held in ***Dwaraka Das v. State of M.P.*** (1999) 3, SCC 500, that the power of rectification is strictly limited to clerical or arithmetical mistakes. It cannot be used to introduce new relief or alter the substantive findings of the Court. Since the changes sought here are

substantive, this Court lacks the jurisdiction to entertain them under Section 152.

7. The present application is effectively a “disguised review.” Under Order 47 Rule 1, a review is only maintainable if there is a discovery of new evidence or an “error apparent on the face of the record.”
8. In another case it is well established in the case of **Jayalakshmi Coelho v. Oswald Joseph Coelho** (2001) 4 SCC 181, it has been a correction can only be made if the written order fails to represent the Court’s actual intent. In this case, the original order accurately reflects the judicial intent of this Court at the time of pronouncement. Any disagreement the Applicant has with that intent must be addressed through a formal Appeal to a higher forum, not a modification application.
9. In view of the above we find that this application is an abuse of the process of law seeking to circumvent the standard procedures of Review or Appeal.
10. The modification and correction of the application being CAN 3 of 2025 is dismissed upon payment of cost assessed at 100 gm to be paid by the applicant in favour of the State Legal Service Authority within 2 weeks and the proof of

such payment shall be communicated to the Registrar General, High Court, Calcutta.

(Sujoy Paul, A.C.J.)

(Smita Das De, J.)