

06.04.2026
Ct. No. 30
M/L. No. 147
SM

CO 3650 of 2022
Mr. Mrityunjay Das
Versus
Jaydeb Das

Mr. Abhirup Chakraborty
Mr. Tuhin Ganguly
.....for the petitioner

- 1.** Affidavit-of-service and the written notes filed by the petitioner be kept with the record.
- 2.** The revisional application has been preferred challenging an order no. 15 dated September 12, 2022 passed by the learned 3rd Additional District Judge at Alipore at Calcutta in Original Suit No. 03 of 2008.
- 3.** Vide the impugned order the learned Trial Court has dismissed the petitioner's application under Section 152 of the CPC, praying for deleting the name of one of the executors who had expired during the probate proceeding.
- 4.** It appears from the impugned order that the learned Trial Court keeping in mind the provision of Section 152 of the CPC, rightly rejected the said prayer, as there was no clerical error in the judgment/order and it was the petitioner who had not brought the fact to the notice of the Court timely during the hearing.

5. One of the executors being Ajit Kr. Das died on 25.08.2010 and the application for deleting his name in the case has been filed on 13.09.2021, after almost 11 years of his death and 19 years after the final order in the probate case was passed on 24.05.2002.

6. Considering the said fact, this Court finds that the Trial Court rightly held that as there was no clerical error on the part of the Court, which occurred in the order, Section 152 CPC was not applicable.

7. As such the impugned order calls for no interference by this Court.

8. The Civil Revision stands dismissed.

9. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]